

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1976

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 4, 1976



VOL. 2
WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

Brown Printing Company
Printers—Binders
Montgomery, Alabama

CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. List of registered lobbyists, with lobby group affiliation;
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 3. A listing of legislative days, with calendar dates and pages on which each day begins;
 4. A topic index of general bills listed alphabetically by subject matter;
 5. A topic index of local bills listed alphabetically by counties;
 6. A topic index of resolutions;
 7. A miscellaneous index, including all items not categorized as bills or resolutions;
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JOURNAL
OF THE
SENATE
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STATE OF ALABAMA
REGULAR SESSION OF 1976

TWENTY-EIGHTH LEGISLATIVE DAY

THURSDAY, AUGUST 5, 1976

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Bill Fincher, Pastor, Temple Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Perloff, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,
Vice Chairman.

COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Twenty-seventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Perloff, leave of absence was granted Messrs. Clemon and Foshee for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 115. To name Alabama Highway 171 The Fuller Asbury Kimbrell Highway.

OBIE J. LITTLETON,
Vice Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Mr. McMillan offered the following Senate Resolution, to-wit:

S. R. 125. WHEREAS, Samuel N. Crosby of University of Alabama Law School is now working for the Alabama Senate and has proved to be of favorable character; and

WHEREAS, Ann E. Simpson of University of Alabama Law School has consented to be wed to the said Samuel N. Crosby; now therefore:

BE IT RESOLVED BY THE ALABAMA SENATE AND THE EMPLOYEES THEREIN, that we congratulate Samuel N. Crosby and Ann E. Simpson on their wedding engagement.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 127. RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, to be considered immediately upon the adoption of this resolution, taking precedence over all other business, as follows:

All local Senate bills, as they appear on the Regular Calendar, and the following Senate general bills, all to be considered on the 28th Legislative Day only:

Bill No.	Page No.	Description
S. 674	76	Probate Judges
S. 19	4	Detainers Act
S. 366	143	Property tax

S. 718	104	Election Reform
S. 594	75	Corporation law
S. 370	48	Solar Energy
S. 432	35	Boards of Equalization
S. 529	59	City Golf Courses
S. 534	60	City Parks
S. 354	46	Grain dealers
S. 120	15	FOP—advertising
S. 618	57	Licensing doctors
S. 347	71	Students
S. 348	72	Students
S. 244	141	Public schools
S. 689	76	Law enforcement benefits
S. 519	40	Family practice
S. 377	28	Seed damage
S. 251	151	Nurses
S. 73	55	Cancellation of insurance policies
S. 521	38	Letters testamentary
S. 728	180	24th Judicial Circuit
S. 310	142	Capitol guards
S. 68	66	Alex City Junior College
S. 4	66	Disabled veterans
S. 527	68	Cherokees
S. 604	68	University of Alabama
S. 481	55	Hospital Insurance
S. 608	57	9th Judicial Circuit
S. 400	55	Insurance
S. 595	58	Mechanics liens
S. 67	67	CPS
S. 41	4	Solicitations
S. 483	58	Worthless checks
S. 42	22	Emergency medical services
S. 369	24	Fish
S. 565	69	Marriage

S. 12	133	Shrine temples
S. 616	148	Law enforcement benefits
S. 60	136	Law enforcement benefits
S. 517	49	Coastal areas

and, all uncontested local house bills as they appear on the Regular calendar, and the following general house bills, to be considered on the 28th and 29th Legislative days only:

H. 912	63	School fees
H. 158	58	Circuit Judges
H. 764	77	False information
H. 264	170	17th Judicial Circuit
H. 105	36	Utility tax
H. 1020	106	Board of Education
H. 117	158	Severance tax
H. 909	132	Severance tax
H. 456	63	Property tax
H. 457	63	Property tax
H. 576	164	Tennessee—Tombigbee
H. 577	165	Tennessee—Tombigbee
H. 667	107	Medicaid
H. 668	108	Medicaid
H. 803	174	Medicaid
H. 848	175	Medicaid
H. 982	107	Medical Services Administration
H. 36	127	Special education
H. 740	173	Helicopter pilots
H. 1260	133	Medical examiners
H. 53	156	Work release
H. 247	162	Podiatry
H. 1150	168	Buddy Crawford
H. 12	169	Troopers
H. 234	52	Pardons and Paroles
H. 183	42	Controlled Substance Act
H. 896	62	Fort Morgan
H. 181	69	Mid-wifery

H. 464	130	Legal adv.
H. 628	166	Tourism
H. 629	167	Tourism
H. 279	171	Tomato farming
H. 480	171	Tax Collectors
H. 932	173	Poultry
H. 62	180	Firemen
H. 336	48	Alabama State University
H. 303	54	Agriculture
H. 302	53	Agriculture
H. 771	70	Wrestling Commission
H. 330	106	Alabama Law Institute
H. 55	108	Anatomical Gift Act
H. 265	52	Foreign trade
H. 89	123	State toxicologist
H. 574	164	Historic Chattahoochee Commission
H. 256	128	Fiduciaries
H. 257	128	Banks
H. 258	129	Clearing corporations
H. 259	129	Deposits
H. 163	64	Firemens pension
H. 212	160	Marion Institute
H. 214	161	Talladega College
H. 215	161	Lyman Ward Military Academy
H. 213	160	Tuskegee Institute
H. 211	159	Walker College
H. 360	171	Changes name of Publicity & Info
H. 361	171	Publicity and Information
H. 1091	175	Solid Waste Disposal

On motion of Mr. Littleton, the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 728. To amend Section 1, Act No. 206, H. 1, Third Special Session of the Legislature of 1975, approved May 5, 1975, which provides a longevity pay bonus for certain law enforcement officers to include in the provisions of the act deputy sheriffs in counties having populations of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 689. Relating to counties having a population of not less than 49,500 nor more than 52,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize the coroner of any such county to appoint a deputy coroner for emergency situations and to provide further for the salary of the secretary of the coroner of any such county.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 540. To prescribe the date on which the regular annual session of the Legislature shall commence each year and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 313. CONGRATULATING ALL ALABAMIANS AND OTHER AMERICANS WHO PARTICIPATED IN THE XXI OLYMPIC GAMES IN MONTREAL.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

H. 185. To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

On motion of Mr. Noonan, further consideration of the Bill, H. B. 185, was postponed until the next Legislative Day as Unfinished Business.

UNANIMOUS CONSENT GRANTED

Mr. Noonan requested and received unanimous consent to add the Bill, S. B. 501, to the Special Order Calendar (S. R. 127).

REPORTS OF COMMITTEES

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Drake:

H. 516. To amend Act No. 1163, H. 1829, 1973 Regular Session [Acts 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534] known as the judicial retirement act; to allow prior service credit to certain judicial officers.

By Mr. Johnstone, et al:

H. 366. To provide for the attendance of witnesses from outside the state in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

By Messrs. Higginbotham, Smith (M), Baker, Whatley and Turnham:

H. 97. To regulate the solicitation of advertisement by any person, firm, corporation, State or Federal peace officers association for any peace officers magazine or journal, to provide penalties for violation of this Act.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith (B), Lutz, Martin, Riddick, Gregg and Moore (W):

H. 526. To authorize the counties and municipalities of this state to plan, establish, and furnish recreational, social, and cultural facilities, services and programs, including transportation services and programs, especially for senior citizens within the state, subject to uniform non-discriminatory eligibility requirements; to authorize such subdivisions to agree to and abide by the conditions of any grant from any agency of the state or of the United States Government pertaining to such facilities, services, or programs; to authorize multijurisdictional agreements concerning such services; and to authorize such services by contract with public or private agencies.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gregg, et al:

H. 444. To amend Sections 39 and 40 of Title 8, Code of Alabama of 1940, by providing for certain increases in non-resident fishing license fees; establishing an issuance fee for non-resident licenses; providing for the distribution of the revenue obtained by such increase, and provides for the deletion of any reference as to race from the application for said licenses.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hill, Greer and Coburn:

H. 1184. To authorize each circuit judge of the Eleventh Judicial Circuit to appoint one full time bailiff, or in the alternative each to appoint two bailiffs for any session, or in lieu of these options, by the concurrence of each judge the presiding judge is authorized to appoint one law assistant and the circuit judges to appoint one additional bailiff; to regulate the duties and compensation of such bailiffs or law assistant; and to provide for the payment therefor from the county funds.

By Messrs. Hill, Greer and Coburn:

H. 1185. To provide for the appointment of an investigator for the district attorney's office for the Eleventh Judicial Circuit; to prescribe his authority, powers and compensation; and to provide that the cost to implement the provisions hereof be paid from the funds of the county governing body comprising the said circuit.

By Mr. McCulley:

H. 1186. To provide an additional expense allowance for members of the jury commission in all counties having a population of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 or any subsequent federal decennial census.

By Mr. McCulley:

H. 1187. Relating to any county having a population of not less than 16,000 nor more than 16,250 according to the 1970 or any subsequent federal decennial census; authorizing and providing for an expense allowance for the sheriff.

By Messrs. Holley and Folmar:

H. 1188. Relating to any county having a population of not less than 34,100 nor more than 34,900 inhabitants according to the 1970 or any subsequent federal decennial census; providing for a legal secretary to the circuit judge in any such county to be paid from the county treasury; providing for reimbursement to the circuit judge for salaries paid after September 1, 1976; providing for the purchase of furniture and equipment and prescribing the time during which this act shall be operative.

By Mr. Folmar:

H. 1189. Relating to any county having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal census; to provide for a secretary to the circuit judge in any such county to be paid from the county treasury; and to prescribe the time during which this act shall be operative.

By Messrs. Turnham, Whatley and Higginbotham:

H. 1193. To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations.

By Mr. Smith (C) (with notice and proof):

H. 1200. Relating to Chilton County; to provide that the county engineer need not be a resident of Chilton County.

By Mr. Smith (J):

H. 1206. To provide further for the costs and charges in criminal cases; and to provide for a juvenile probation fund to finance a juvenile probation office in all counties having populations of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

By Mr. Kinsey (with notice and proof):

H. 1228. To de-annex a certain piece of land from within the corporate limits of Gulf Shores, Baldwin County, Alabama.

By Mrs. Quarles:

H. 1233. To authorize and provide for a referendum in certain counties classified on a population basis to determine the sentiment of the voters relative to whether the chairman of the county commission shall be elected or the judge of probate shall be ex officio a member and the chairman of the commission; and to provide for filling the chairmanship of the governing body in the manner favored by the voters of the county at such referendum.

By Messrs. Carothers, Crawford and Smith (J):

H. 1240. Relating to all counties having populations of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census, regulating the compensation of election officials in such counties and providing for the method of payment thereof.

By Messrs. Manley and Pegues:

H. 1257. Relating to counties having a population of not less than 23,800 nor more than 23,925 according to the 1970 or any subsequent federal decennial census; providing that henceforth members of the county commission shall receive a monthly salary of \$600 and a monthly expense allowance of \$200.

By Mr. Cooper:

H. 2. To amend Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351) so as to permit certain establishments in counties, having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to extend the legal hours for selling table wine.

By Messrs. Baker and Whatley:

H. 69. To repeal Act No. 698, H. 1853, 1975 Regular Session, entitled, "An Act To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws."

By Mr. Folmar:

H. 152. To further regulate the clerk hire allowance of the circuit clerk in all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Sonnier and Malone (With Amendment):

H. 170. To exempt the county law enforcement association from paying certain license fees for certain alcoholic malt beverages in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mrs. Quarles:

H. 304. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

By Mr. Lutz:

H. 807. To amend Section 1 of Act No. 791 (Regular Session, 1973) providing an expense allowance for each circuit judge of the Twenty-third Judicial Circuit.

By Mr. Lutz (with notice and proof):

H. 877. To provide in Madison County, Alabama, that no expenditure shall be made from the Madison County District Attorney's Fund without the express approval of the Madison County Commission or like governing body of Madison County, Alabama, except for those expenditures which are directly related to law enforcement.

By Mr. Callahan:

H. 315. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Moore (W) (with notice and proof):

H. 434. Relating to Madison County, authorizing and directing the county governing body to pay Mr. Stanley Stafford of Madison County, Alabama the sum of \$25,033.65 in full settlement as compensation for personal injuries of Mr. Stafford pursuant to a motor vehicle collision which occurred on December 13, 1973 in Madison County.

By Messrs. Shelton, Holmes (D) and Quarles:

H. 618. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to direct the county commission of all such counties to set up a county-wide water authority; to give the water authority certain

powers; to direct such authority to assist in the development of certain community water systems; and to provide for the cooperation of such water authority with certain boards and offices.

By Mr. Callahan (with notice and proof):

H. 593. Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

By Mrs. Quarles:

H. 749. To provide that shotguns and rifles when carried in a vehicle on or along any county road or highway shall be unloaded and in a gun case during hunting season in all counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the most recent decennial census; and prescribing penalties for violations.

By Messrs. Whatley and Turnham:

H. 945. To regulate the excusing of persons from jury service in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to authorize requiring persons excused from jury service at one time to serve at a prior or later date; and to regulate the compensation of jurors summons for one week but required to serve in another.

By Mr. Callahan:

H. 952. To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Amendments):

H. 954. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Folmar (with notice and proof) (With Amendment):

H. 878. Further regulating the liquor traffic in Pike County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale in Pike County of "table wines," as herein defined and distinguished from "fortified wines," in manner similar to the procedure by which beer, malt or brewed beverages are now sold; levying a county tax on half-pints and miniatures of spirituous liquors and on table wines, the proceeds thereof to be used for capital outlay and maintenance purposes for schools in Pike County; and providing that this act shall be inoperative unless approved by a majority of the qualified electors of Pike County who vote thereon at a referendum.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pegues (with notice and proof):

H. 936. Relating to Perry County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Hill and Greer (With Amendment):

H. 938. Relating to Lauderdale County, amending Act No. 1616, H. 2004, Regular Session 1971 (Acts 1971, p. 2776), which Act authorizes the district attorney to hire a secretary and providing for the payment of such secretary, so as to provide further for the payment of such secretary.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Manley and Pegues (with notice and proof) (With Amendment):

H. 992. To authorize and provide for the incorporation in Marengo County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in said county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on

such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of said county, or of any municipality or political subdivision of the county; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation in the state, including license and excise taxes, levied by the state, any county, municipality, or political subdivision of the state; to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all taxation by the state; to exempt such authority from payment of certain charges to the judge of probate; to exempt any authority organized hereunder from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of said county or the municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the authorizing government; and to provide for the dissolution of any such authority and the disposition of its property.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cross (with notice and proof):

H. 996. Relating to Lawrence County; regulating the compensation of the county superintendent of education of Lawrence County.

By Mr. Cross (with notice and proof):

H. 997. Relating to Lawrence County; to provide that the county governing body may appropriate money to any volunteer fire department within the county for the purpose of purchasing equipment and supplies.

By Mrs. Quarles:

H. 1012. Relating to counties having populations of not less than 27,900 nor more than 33,500 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

By Mrs. Quarles:

H. 1013. Relating to counties having populations of not less than 27,900 nor more than 33,500 according to the 1970 or any subsequent federal decennial census; to provide that all clerks in the probate judge's office in such counties shall be empowered to accept applications for voter registration at any time the probate office is open for business.

By Mr. McNees (with notice and proof):

H. 1025. Relating to Lamar County; further regulating the compensation of the county superintendent of education.

By Mr. Brindley (with notice and proof):

H. 1036. Relating to Etowah County; permitting banks now or hereinafter situated anywhere in Etowah County to establish, maintain and operate branch banks and branch offices within the limits of the City of Sardis for the conduct of a general banking and trust business; and repealing conflicting laws.

By Messrs. Jackson (F), Smith (J) and Holley:

H. 1042. Relating to all counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide further for the fees of the coroner.

By Messrs. Brindley and Jolly:

H. 1049. Relating to all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to authorize the county governing body to maintain roadways and driveways connecting private residences with public roads.

By Messrs. Ford, Rich, Brindley and Taylor (with notice and proof):

H. 1061. Relating to Etowah County; to amend Act No. 829, S. 292, 1975 Regular Session [Acts 1975, p. 1655], which vests in the Etowah County Commission direct and effective financial supervision over county agencies; to authorize said commission to fund state and municipal offices, departments, boards, etc. after the needs of county offices have been met.

By Messrs. Lutz and Starkey:

H. 1063. To provide for supplementing the salary or compensation paid to District Judges in Judicial Districts composed of one County, having not less than 38,100 population and not more than 40,500 population according to the last Federal Decennial Census.

By Mr. Folmar (with notice and proof):

H. 1090. To provide for purging the lists of registered voters in Pike County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Mr. Drake (with notice and proof):

H. 1105. To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202), which levies and provides for the collection of a

lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and conventions in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

By Messrs. Sparks and Drake (with notice and proof):

H. 1098. Relating to Cullman County; to reorganize the structure of the county commission in said county by providing for the election of the county commission by the county at large and prescribing residency requirements for the commissioners from the districts herein defined and to provide for the appointment of two additional commissioners for said county.

By Mr. Smith (J) (with notice and proof):

H. 1106. Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars (\$6,000) per annum, so long as such judge is a resident of Geneva County.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (J) (with notice and proof) (With Amendment):

H. 1107. To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Baker and Whatley (with notice and proof):

H. 1112. Relating to Russell County; to provide the Russell County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

By Mr. McCulley (with notice and proof):

H. 1118. To change the method of compensating certain officers of Washington County, placing such officers on a salary basis and providing for the operation of the offices on such basis.

By Mr. Killian:

H. 1121. To authorize the governing bodies of all counties having populations of not less than 41,750 and not more than 45,000, according to the 1970 or any subsequent federal decennial census, to appropriate funds

from the county highway and traffic fund such amount as in their opinion is proportionate with the expenses incurred by the county in law enforcement relative to building and maintaining roads, traffic control and motor vehicle laws.

By Messrs. Whatley and Turnham (with notice and proof):

H. 1133. Relating to Lee County; providing that the county commission or like governing body shall be paid for their services an additional two cents (\$0.02) per mile for each mile necessarily traveled by them while discharging their official duties in letting out, inspecting and accepting, building or repairing any of the county bridges, buildings, roads or works; providing that such additional per diem sums shall be paid in the same manner and from the funds of the county as prescribed by law.

By Messrs. Whatley and Turnham (with notice and proof):

H. 1134. Relating to Lee County board of registrars; providing for thirty dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

By Mr. Smith (J) (with notice and proof):

H. 1130. To change the name of the Town of Eagen in Geneva County to the name Town of Malvern and to extend the boundary lines and corporate limits of said municipality.

By Messrs. Smith (J) and Crawford:

H. 1138. Relating to any county having a population of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census; providing further for the salaries of the probate judge, sheriff, revenue commissioner and the chairman of the county governing body of any such county.

By Mr. Kinsey:

H. 1128. To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

By Messrs. Holley and Folmar (with notice and proof):

H. 1146. Providing for purging the lists of registered voters in Coffee County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ford, Rich, Taylor and Brindley (With Amendment):

H. 1159. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent decennial

census; to provide that the governing bodies of such counties shall be given the authority to provide per diem allowance for full time law enforcement officers of county sheriff's departments while on duty and to authorize expenditure of funds for that purpose.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brindley:

H. 1160. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the 1970 or any subsequent federal decennial census; providing further for the costs and charges in criminal proceedings in any court in such counties.

By Mr. McCluskey (with notice and proof):

H. 1161. To amend Section 1 of Act No. 898, H. 1390, 1975 Regular Session (Acts of 1975, p. 1760), entitled "Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county", so as to increase the clerk hire allowance.

Mr. Littleton, Chairman of the Standing committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCluskey (With Amendment):

H. 1162. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide that witnesses may be subpoenaed by United States mail in such counties under certain conditions and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. McCluskey:

H. 1163. To amend Section 1 of Act No. 286, H. 250, Regular Session 1965 (Acts of 1965, p. 399), as amended, which act regulates the compensation of county board of education members in certain counties based on population, so as to provide further for the compensation of such persons.

By Mr. McCluskey:

H. 1164. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent

federal decennial census; providing for the appointment of a deputy chief clerk in the office of the judge of probate in such counties; defining such clerk's duties and authority; requiring the filing of a bond; and prescribing that such appointment be made from persons presently employed in the probate office so as to require no additional expense to the county.

By Mr. McCluskey:

H. 1165. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent Federal decennial census; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

By Mr. McCluskey:

H. 1166. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of obtaining and working a gainful employment.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCluskey (With Amendment):

H. 1167. Relating to all counties in this state having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to authorize the county commission to pay certain school, seminar and convention expenses incurred by the sheriff and deputies and certain investigation expenses incurred by the district attorney or sheriff and to prescribe procedure for making such payments.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Greer (with notice and proof):

H. 1172. To amend and extend the town limits of Killen, Alabama.

By Mr. Jolly:

H. 1175. To increase the fee for a license to carry a pistol in all counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham (With Amendment):

H. 1176. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the most recent federal decennial census; authorizing the probate judge in such counties to appoint deputy registrars in such counties for the purpose of registering voters therein; providing that the probate judge and county governing body shall fix the days, not to exceed thirty (30) per annum, the times and locations for the registration and the probate judge shall give advertised public notice thereof; providing that the cost for advertising shall be paid out of the county funds; and providing that such mileage allowance as now provided by law for registrars in such counties.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem, Brindley and Kelley:

H. 300. To name a certain facility at Snead State Junior College.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kinsey:

H. 753. To make an additional appropriation to the Alabama State Board of Chiropractic Examiners for the fiscal year ending September 30, 1976.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Albright:

H. 508. To provide for the instruction of public school students and their teachers in a maneuver for safely expelling particles of food or other objects which have accidentally become lodged in the throat or trachea;

To provide a procedure for specifying the method to be taught and the manner in which it is to be taught each year.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. White, et al (With Amendment):

H. 723. To amend Title 52, Section 63, Code of Alabama 1940, so as to provide that only those qualified voters residing in the area served by the school board members shall be eligible to vote in the election of the members of that school board in certain counties.

SPECIAL ORDER
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 654. To amend Section 21 of Act No. 497 of the Regular Session of the Legislature of 1965 (Ala. Acts, 1965, pages 717, et seq.) establishing a retirement system for officers and employees of Jefferson County, Alabama.

And said Bill, S. B. 654, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

S. 659. To apply to any county having a population of 500,000 or more, according to the last or any subsequent federal census; to provide that the county governing body may adopt rules and regulations prescribing the conditions on which the coroner in said county or the representatives or agents appointed by the governing body to perform the duties authorized or required by law to be performed by coroners, shall be authorized to secure an autopsy to be made, and rules and regulations providing, when a complete autopsy is not necessary, the conditions, prescribed by the governing body, pursuant to which the coroner, or representatives or agents appointed by the governing body to perform the duties authorized or required by law to be performed by coroners, may remove, or secure to be removed, fluid, blood and such other evidence from the body of a deceased as may be necessary to determine the cause of such deceased's death.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 660. To apply in every county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census; to regulate the amount of contributions which the members of any county pension system or the county shall make to the fund of the county pension system; to provide that neither any member of such pension system nor the county shall make any contribution or payment to the pension system based on any longevity pay or overtime pay any member of the system receives; to provide, subject to certain limitations stated in the Act, that contributions heretofore made by members to the pension fund based on longevity pay or overtime pay shall be refunded to the members making such contributions; and to provide that any contributions made by the county based on longevity pay or overtime pay of any member shall be refunded to the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 647. Amending Act No. 494, S. 927 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1207), relating to the issuance of pistol permits by the sheriffs in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to increase the fee and provide for the distribution and use of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 653. Amending Section 1 of Act No. 488, S. 920 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1204), relating to the boards of equalization in all counties having populations of not less than 23,900 nor

more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to change the amount of the county per diem supplement.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 668. Amending Section 1 of Act No. 492, S. 924 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1206), relating to the jury commission in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to change the amount of the county per diem payable from the county general funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 682. To change the method of compensating the probate judge, the tax assessor and the tax collector of Jackson County, placing said officials on a salary basis; to provide that the fees, commissions and allowances provided such officials under the general law shall be paid into the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen,

Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 686. To propose and provide for the submission of a constitutional amendment to the Constitution of Alabama of 1901, as amended, relating to the City of Huntsville in Madison County.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 690. Relating to counties having populations of not less than 41,750 nor more than 45,000, according to the 1970 or any subsequent federal decennial census; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 691. Relating to Pickens County; to increase the salary of members of the Pickens County Commission to \$450 a month.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 701. Relating to all counties having populations of not less than 33,550 nor more than 34,000 according to the 1970 or any subsequent federal decennial census; relating to salaries of deputies to the sheriff in all such counties; and providing that such salaries shall be paid from the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Flipppo, Gilmore, Jones, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 702. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; setting the salary of the probate judge, sheriff, tax assessor and tax collector.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 688. To propose and provide for the submission of a constitutional amendment to the Constitution of Alabama of 1901, as amended, relating to the County of Madison.

was taken up.

Mr. King offered the following amendment to the Bill, S. B. 688, to-wit:

AMENDMENT TO SENATE BILL 688

Amend Senate Bill 688, page 2, by striking out subsection (h) in its entirety.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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And said Bill, S. B. 688, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 700. Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members.

was taken up.

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 700, to-wit:

AMENDMENT TO S. B. 700

Amend S. B. 700 on page 3, Section 4, line 8, by adding the following sentences after the word County. The associate members of the Commission shall have and exercise all the powers, duties, limitations, and responsibilities under the General Laws of this State as do boards of

revenue, courts of county commissioners or other similar governing bodies so far as these powers, duties, limitations, and responsibilities are consistent with this Act. The associate members of the commission shall maintain an office at the courthouse in Marshall County.

Also, on page 3, Section 7, lines 34 and 35, delete the words a high school graduate.

Further amend S. B. 700 on page 5, Section 11, line 7, by adding the following words after the word county and shall state each claim separately.

Also, on page 5, Section 12, add the following after the word engineer on line 19. Termination of the employment of the county engineer shall only be made by an affirmative vote of four (4) members of the commission at a regular session of the commission and with the approval by a majority vote of the Marshall County Salary Commission.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

—25

Nays:

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And said Bill, S. B. 700, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

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Nays:

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The Bill:

S. 703. Relating to Marshall County; providing for clerk-hire allowances for certain county offices.

was taken up.

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 703, to-wit:

AMENDMENT TO S. B. 703

Amend S. B. 703 line 20 by adding after the word county, the words not less than.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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And said Bill, S. B. 703, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 42. Relating to products made by inmates of the Alabama Board of Corrections and the sale of such products to state institutions, departments and agencies and to political subdivisions; to authorize vocational training and rehabilitation of prisoners through work in industries at penal units under the said Board of Corrections; requiring state agencies to buy prison-made products when specifications of standards and quality are met; authorizing political subdivisions to buy directly from the Board of Corrections; prescribing the method for setting prices of prison-produced products; specifying kinds of additional information to be contained in post-audit reports of manufacturing enterprises within the prison system; authorizing an industrial revolving fund for financing prison industries, and prescribing the disposition of receipts therefrom; making it unlawful to sell prison-produced products on the open market, and specifying penalties therefor.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Greer:

H. J. R. 325. CREATING A JOINT INTERIM COMMITTEE TO STUDY LAW ENFORCEMENT AGENCIES OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

WHEREAS, the Governor's Cost Control Survey filed a report in August, 1972, recommending that all the law enforcement personnel of the Department of Conservation and Natural Resources be consolidated into a single separate law enforcement division within the department at an annual savings to the taxpayer of \$350,000 per year; and

WHEREAS, there have been several bills introduced in the legislature dealing with this serious problem and to prevent this waste of public funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim committee known as the Joint Interim Committee to study law enforcement agencies of the Department of Conservation and Natural Resources be established as hereinafter provided. The committee shall study the various law enforcement agencies of the Department and shall report its findings and suggestions concerning consolidation of such law enforcement agencies to the legislature by the second legislative day of the regular session 1977.

The committee shall be composed of six members, three appointed from the Senate by the presiding officer thereof and three appointed from the House of Representatives by the presiding officer thereof.

The committee members shall be paid the same per diem and travel expenses which they receive as members of the legislature for their attendance at meetings of the committee, and provided however that the total expenditure shall not exceed the sum of \$3,000.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 325, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Pegues, Killian, Cooper, White, Falkenburg:

H. J. R. 326. CREATING A SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

WHEREAS, the Medicare and Medicaid programs of the State of Alabama are taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, the nursing home programs under the medicare and medicaid programs are costing more and more; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of these programs to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of five members of the House and three members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicare and medicaid program with particular emphasis on the increasing cost to the state of such programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1977 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee.

The Committee shall be limited to (10) ten meeting days.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 326, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 704. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; providing a salary supplement allowance for the register of the circuit court.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King,

Little, Littleton, McDonald (S), Mims, Mitchell, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 626. Relating to Lee County; providing that the county commission or like governing body shall be paid for their services and additional two cents (\$0.02) per mile for each mile necessarily traveled by them while discharging their official duties in letting out, inspecting and accepting, building or repairing any of the county bridges, buildings, roads or works; providing that such additional per diem sums shall be paid in the same manner and from the funds of the county as prescribed by law.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 627. Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census; relating to landlords and tenants; defining the rights, remedies, terms and providing procedures regarding the payment and refund of tenants' deposits required as a condition for rental of residential units when such deposit is not in payment of rent.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 628. To provide for a supplemental salary for the circuit judges of the Thirtieth Judicial Circuit, to be paid equally by the counties comprising such circuit; and to fix the amount and method of payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

S. 649. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing that the county governing body in such counties may levy and collect a severance tax on coal produced therein in addition to any state severance tax; and providing the revenues generated under the provisions of this act shall be deposited in the county treasury and prescribing the allocation of such funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

S. 667. Relating to Cherokee County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county, and providing for the disposition of the proceeds of the sale thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Flipppo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

S. 675. Relating to Cherokee County; to make it unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides; prescribing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

— 25

Nays:

— 0

The Bill:

S. 705. Relating to Marshall County, Alabama: levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Marshall County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing for the penalties for violations of the Act; providing that this Act be severable; and providing for the effective date hereof.

was taken up.

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 705, to-wit:

AMENDMENT TO S. B. 705

Amend S. B. 705 by deleting Section 2 and Section 3 on pages 1, 2 & 3 in its entirety and inserting in lieu thereof the following:

Section 2. There is hereby levied and imposed a privilege license tax on each bottle or canned unit of malt or brewed beverages of 6¢ for the first 12 ounces or fractional part thereof, and ½¢ per ounce over 12 ounces (including draft beer) sold, used, consumed, stored, or withdrawn from storage in Marshall County, to be paid by every person, firm, corporation, co-partnership, club, association, agency, distributor, storer or user of such malt or brewed beverages; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, and evidenced by the appropriate stamps as provided for below, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 3. The proceeds of the tax levied by this act (less costs of collection as provided for below) shall be distributed according to the locations to which malt or brewed beverages are delivered for retail sale, as determined by the sworn monthly statements hereinafter required to be filed by each distributor or seller, as follows:

a) For malt or brewed beverages delivered for retail sale outside the city or town limits of a municipality, the proceeds for the tax levied by this Act shall be distributed as follows:

70.00% to the city and county boards of education in Marshall County to be divided pro rata among them in accordance with the most recent average daily attendance figures;

20.00% to the Marshall County general fund;

10.00% to the Marshall County general fund for use in the renovation or construction of a new county jail or county offices for debt retirement of borrowed funds used for such construction for a period not exceeding 17 years.

b) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality, the proceeds from the tax levied by this Act shall be distributed as follows:

2/6 (33.33%) to the general fund of the municipality;

4/6 (66.67%) to Marshall County to be distributed as set out in subsection a.

Also Amend S. B. 705 by deleting Section 5, Subsection c), on line 20-21 after the word county "and the police jurisdiction of each such municipality", and on line 22 after the word limits, "or the police jurisdiction

Further Amend S. B. 705 by deleting Section 9, Subsection a), on line 10-11 after the word Act "or levied by the municipalities as authorized by this Act.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 705, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Turnham (with notice and proof):

H. 1054. To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1054, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Turnham (with notice and proof):

H. 1055. To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1055, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Venable and Plaster (with notice and proof):

H. 1243. To alter or rearrange the boundaries of the Town of Coosada, Elmore County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, as well as certain other territory contiguous thereto, in Elmore County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1243, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Rich (with notice and proof):

H. 1225. Relating to Cherokee County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork of Little River, and West Fork of Little River in Cherokee County; to provide for the membership and organization of said Commission, to prescribe the powers, duties, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to Cherokee County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1225, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Moore (O):

H. 1234. To provide for the salary of the judge of probate of all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census and to repeal all conflicting statutes.

Also:

By Mr. Moore (O):

H. 1235. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for additional expense allowances for certain county officials.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1054, 1055, 1243, 1225, 1234, and 1235. To the Committee on Local Legislation No

BILLS ON THIRD READING RESUMED

The Bill:

S. 676. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation and expense allowance of the tax assessor and the tax collector in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

S. 677. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

S. 678. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the chairman of the county governing body; providing for the compensation of associate commissioners of the county governing body; regulating the travel allowance for out of county travel for all members of the county governing body; and setting the times of meetings for the commissioners.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

S. 681. Altering, re-arranging and extending the corporate limits of the Town of Fyffe.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen,

Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays;

—0

The Bill:

S. 245. Proposing an amendment to the Constitution of Alabama to allow the legislature, from time to time, to fix, regulate and alter the compensation, fees, salaries and allowances, including the method and basis of the compensation, to be charged or received by the elected county officials in Lee County.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 263. Relating to DeKalb County; to provide for the salary of certain officials of said county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 284. Relating to all counties having populations of not less than 35,000 nor more than 38,000 inhabitants according to the most recent federal decennial census; providing that associations or corporations organized for the purpose of operating water works for unincorporated areas in such counties under Title 10, Section 168 of the Code of Alabama, as amended, relating to single tax or cooperative associations, shall be further exempt from any state or county license tax on gross receipts, and no license or excise tax may be imposed on any such authority organized for such purposes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 301. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 385. Relating to Chambers County; providing total compensation for members of the jury commission and for the secretary of the jury commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 431. Relating to counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census; providing further for the compensation of the boards of equalization in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

S. 457. Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

S. 458. Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census; to provide for an expense allowance for the coroner in such counties; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell,

Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

S. 459. Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census; to provide for the compensation of circuit court bailiffs in such counties; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

S. 463. To provide further for the compensation of the judge of the district court having jurisdiction of Crenshaw County; to authorize and empower, but not to require, the county commission or other governing body of Crenshaw County to pay to such judge a supplemental salary.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 435. Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 435, to-wit:

COMMITTEE AMENDMENT TO SENATE BILL 435

Amend Senate Bill 435 in Section 1, page 1, line 20 by striking out the word "dollars" and inserting in lieu thereof the following word:

"dollar's"

Further amend Section 1, page 1, line 24 by striking out the word "preceeding" and inserting in lieu thereof the following word:

"preceding"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 435, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 525. To regulate the excusing of persons from jury service in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to authorize requiring persons excused from jury service at one time to serve at a prior or later date; and to regulate the compensation of jurors summoned for one week but required to serve in another.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore,

Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 526. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 560. To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 566. To provide that the probate judge of Lee County shall appoint one or more regular clerks in the probate office as deputy

registrars empowered to take applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 601. To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 602. To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 685. To provide for the deposit of money of any county having a population in excess of 600,000 according to the last or any subsequent federal census in state depositaries in demand deposits and in time deposits, open account and to provide for the payment of interest on that money deposited in time deposits, open account; to provide for the payment of interest so earned into the County Treasury to the credit of the General Fund of any such County; to provide for the posting of security for such deposits in excess of amounts insured by Federal Deposit Insurance Corporation; to prescribe penalties for violations of this Act; and to repeal inconsistent laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 725. To amend Section 151 of Title 52, Code of Alabama 1940, as amended, relating to city boards of education so as to provide an increase in compensation up to a certain limit for members of such boards in those cities having a population of 300,000 or more inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 597. To apply in every county of the State having a population of 400,000 or more, according to the last or any future Federal Census and in no other county; to empower the personnel board of the county to adopt rules governing and regulating the expenditure of public funds by the county or any municipality or appointing authority in the county for the following purposes: (a) the purpose of paying the traveling expenses, including meals and lodging expenses, of any person traveling to and from an appointing authority to be interviewed and considered for appointment to a classified or unclassified position, and (b) the purpose of paying the moving expenses of a noncitizen of the county incurred in moving from his

home outside the county to accept a position of public employment in the county; to prohibit after the adoption of such rules the county and municipalities and appointing authorities in the county from paying any such traveling or moving expenses except in accordance with such rules; to empower the personnel board to ratify the payment of such expenses the county or any municipality or appointing authority has paid prior to the adoption of such rules, provided that the personnel board finds that the payment of such expenses was in the public interest and that such expenses were reasonable; and to repeal any laws or parts of laws in conflict with this Act.

was taken up.

Mr. Ellis offered the following amendment to the Bill, S. B. 597, to-wit:

AMENDMENT TO S. B. 597

On page 1, on the second line of the title and on the second line of Section 1, strike out the words "last or any future" and insert in lieu thereof the following:

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

—0

And said Bill, S. B. 597, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 476. Relating to counties having a population of not less than 56,500 nor more than 59,000 according to the most recent federal decennial census, providing for the salary of the probate judge in such counties.

was taken up.

Mr. Adams offered the following substitute for the Bill, S. B. 476, to-wit:

SUBSTITUTE FOR S. B. 476

A BILL
TO BE ENTITLED
AN ACT

Relating to any county having a population of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census; providing further for the salaries of the probate judge, sheriff, revenue commissioner and the chairman of the county governing body of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge, the sheriff, the revenue commissioner and the chairman of the county governing body of any county having a population of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census, shall hereafter each receive an annual salary of \$19,000.

The salaries herein provided shall be the total compensation payable to such persons and shall be paid either in whole, or if any such officer may now or hereafter be paid from sources other than the county, in part, in equal monthly installments from the general fund of the county in such amounts as are necessary to effectuate the provisions of this act.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall become effective January 1, 1977.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 476, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell,

Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

S. 651. To de-annex a certain piece of land from within the corporate limits of Gulf Shores, Baldwin County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

S. 658. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census, providing for the jurisdiction of municipal planning commissions within such counties over certain areas for the purpose of subdivision of lands within the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

S. 673. Relating to Crenshaw County; regulating and providing for the payment of compensation of election officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 679. Repealing Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—25

Nays:

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The Bill:

S. 693. To repeal Act No. 353, S. 437, Regular Session 1971, (Acts 1971, V. I, p. 648), entitled "An Act To provide that the Board of Revenue, or like governing body now existing or that may be hereafter created in all counties of Alabama, having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 federal census pay to the Recorder of the Recorder's Court of all cities located in said County or counties for ex-officio services rendered by the Recorder in the trial of cases in the Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Five Thousand One Hundred and No/100 (\$5,100.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury, and providing further for the payment to the designated Prosecuting Attorney of the Recorder's Court located in said County or counties for ex-officio services rendered by him in the prosecution of cases in Recorder's Court wherein there is charged a violation of the laws of Alabama a sum of Three Thousand and No/100 (\$3,000.00) Dollars per annum, payable in twelve (12) equal monthly installments out of the County Treasury."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 695. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census, providing for additional annual expense allowance for the probate judge of any such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 696. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census, providing for an additional annual expense allowance for the tax collector of any such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 697. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census, providing for an additional annual expense allowance for the tax assessor of any such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 708. Relating to all counties having populations of not less than 24,000 nor more than 24,800 according to the 1970 or any subsequent federal decennial census; providing for purging the lists of registered voters in any such county; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Wilson.

—25

Nays:

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The Bill:

S. 711. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; relieving the board of registrars in such counties from the duty to meet on any official national, state or county holiday.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

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Nays:

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The Bill:

S. 723. To amend Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) so as to delete the maximum salary requirement of county superintendents of education in certain counties classified on a population basis.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

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Nays:

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The Bill:

S. 709. To amend Act No. 409 of the Regular Session of the Legislature of Alabama of 1971 (Ala. Acts, 1971, pp. 1104-1106), which said Act 409 is entitled as follows: "An Act to provide for the Alcoholic Beverage Control Board to issue liquor licenses to Civic Center Authorities established under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 797, et seq.); to regulate the issuance of such licenses; to provide the amount of the license tax, or fee, which shall be payable for such licenses; to provide that such license shall authorize the Civic Center Authority holding the same to keep and sell in its Civic Center alcoholic, malt and vinous beverages, and to repeal laws or parts of laws in conflict with the provisions of this Act".

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

S. 524. Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two

assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 189. To repeal Act No. 203, H. 169, 1966 Special Session (Acts of 1966, p. 230), as amended, entitled "An Act To provide expense allowances for circuit court judges in counties having populations of not less than 150,000 nor more than 300,000 according to the most recent federal decennial census."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

—25

Nays:

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The Bill:

S. 575. To provide that certain Lee County officers, i.e.: probate judge, tax collector, tax assessor, and chairman of the county commission be placed on a salary; to provide further the amount and mode of payment; to establish clerk hire allowances for such officers, and to provide for the payment from the general funds of the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 625. Relating to Lee County board of registrars; providing for thirty dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 669. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the most recent and any subsequent federal decennial census; to provide for a supplemental pay allowance for the circuit clerk.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 719. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; authorizing the sheriff of any such county to appoint certain additional employees and providing for their compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore,

Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 720. To provide a uniform allowance for all employees of the sheriff's office in those counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide retroactive effect for said act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 717. Relating to cities having populations of not less than 175,000 nor more than 225,000 inhabitants according to the 1970 or any subsequent federal decennial census, to limit benefits payable to members of existing pension and relief systems established for policemen and firemen of such cities who are employed on or after October 1, 1976.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 732. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than non-membership; providing that as a prerequisite to such credit members must, on October 1, 1976, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; and providing that

employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 492. To create the office of county license inspector in all counties of this state having a population of not less than 60,000 nor more than 65,000 inhabitants, according to the most recent federal decennial census; to provide for the appointment of a license inspector, fix his compensation, prescribe his duties and define his powers, and provide for the operation of his office; and to provide that the cost for implementing the provisions of this act shall be paid out of the county funds.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 492, to-wit:

COMMITTEE AMENDMENT TO S. B. 492

On page 3, in Section 10, strike lines 7 and 8 and insert in lieu thereof the following:

“upon the expiration of the term of office of the incumbent who is in the Governor’s office at the time this act becomes law.”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 492, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 729. Relating to all counties with a population of 90,000 to 100,000 according to the most recent federal decennial census. To provide for the retention of an area vocational school by the county board of education under certain circumstances.

was taken up.

Mr. Waldrop offered the following amendment to the Bill, S. B. 729, to-wit:

AMENDMENT TO S. B. 729

On the second line of the title and on the second line of Section 1, strike out the words "most recent" and insert in lieu thereof the words

1970 or any subsequent.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—25

Nays:

—0

And said Bill, S. B. 729, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—25

Yeas:

—0

The Bill:

S. 728. Providing a supplement to the salary of the circuit judge of the twenty-fourth judicial circuit to be paid in equal parts by the counties composing the circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

S. 727. Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; providing that the county governing body shall loan the dog racing commission in such counties the sum of \$10,000 from the county treasury for official commission business expenses until the operation of the race track begins to generate revenues.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

S. 735. To amend Act No. 133, H. 86, First Special Session 1971 (Acts 1971, p. 214), which act provides for a clerk for the probate judge in counties having populations of not less than 12,700 nor more than 13,100 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the salaries of such clerks.

was taken up.

Mr. Mitchell offered the following amendment to the Bill, S. B. 735, to-wit:

AMENDMENT TO S. B. 735

Amend Senate Bill No. 735 Page Line 33, by striking out the number 2 after the word Section and substituting in lieu thereof the number 4.

Also amend said bill by adding the following

“Section 2. In all counties having a population of not less than 12,700 nor more than 13,100 according to the 1970 or any subsequent

federal decennial census, the county governing body is hereby authorized to employ a part time clerk to work in the office of the probate judge, which part time clerk shall be appointed by the probate judge of any such county, and the county governing body is authorized to pay said part time clerk for work performed between September 1 and February 1 of each calendar year a sum not to exceed \$400 per month out of the county treasury, the exact amount to be set by the Probate Judge."

"Section 3. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 735, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 605. Relating to Lee County; to authorize the county commission of said county to levy and collect certain additional taxes and fees and to provide for the disposition of the proceeds from such taxes and fees.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 605, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 605

A BILL
TO BE ENTITLED
AN ACT

Relating to Lee County; to authorize the county commission of said county to levy and collect certain additional taxes and fees and to provide for the disposition of the proceeds from such taxes and fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to the limitation of the Constitution of Alabama or of any general law of this state, the Lee County Commission is hereby authorized to levy and collect additional privilege license taxes, excise taxes, and solid waste disposal fees. The revenue from the taxes and fees herein authorized shall be deposited into the county general fund to be used in the manner prescribed by the county commission.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The substantive provisions of this act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Lee County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next special election or general election of state and county officers next following final passage of this act. Notice of the election shall be given by the judge of probate of Lee County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law authorizing the Lee County Commission to levy and collect additional privilege license taxes, excise taxes and solid waste fees, as authorized in Act No. ____ of the 1975 Regular Session? Yes () No ().” If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Lee County shall certify the results of the election to the Secretary of State.

Mr. Little offered the following amendment to the substitute for the Bill, S. B. 605, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 605

Amend Local Legislation No. 1 Committee Substitute for S. B. 605 (Page 2) Line 13, by striking out the letter “5” and inserting the letter “6”.

Which was adopted.

And said substitute for the Bill, S. B. 605, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore,

Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 605, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 315. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when both houses adjourn today they adjourn to meet again on Tuesday, August 10, 1976.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 315, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 1241. Relating to all counties having populations of not less than 65,000, nor more than 68,000, inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an additional secretarial assistant for the office of district attorney, in addition to the two secretaries now provided by law and provide salary for same, in which such county lies.

Also:

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 1239. To provide for the appointment of a deputy district attorney for the twenty-ninth judicial circuit of Alabama; to designate him as a state officer; to prescribe his qualifications, powers and duties and to fix and provide for payment of his compensation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1241 and 1239. To the Committee on Local Legislation No. 1.

BILLS ON THIRD READING RESUMED

The Bill:

S. 733. To amend Section 12 of Act No. 515, H. 93, Regular Session 1945 (General Acts 1945, p. 734) as amended, which relates to the Employees' Retirement System of Alabama and provides for the participation of counties, cities, towns, and public or quasi-public organizations so as to further provide for creditable service for certain members.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

S. 497. To provide for a supplemental salary for the circuit judges of the Thirtieth Judicial Circuit, to be paid equally by the counties comprising such circuit; and to fix the amount and method of payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore,

Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

— 25

Nays:

— 0

BILL RECONSIDERED

On motion of Mr. McDonald (S), the Senate reconsidered the vote by which the Bill, S. B. 628, was passed.

On motion of Mr. McDonald (S), further consideration of the Bill, S. B. 628, was indefinitely postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McCulley:

H. J. R. 287. CREATING A WASHINGTON COUNTY GOVERNMENTAL STUDY COMMISSION TO STUDY ALL FACETS OF COUNTY GOVERNMENT AND TO MAKE RECOMMENDATIONS TO THE WASHINGTON LEGISLATIVE DELEGATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Washington County Government Study Commission which shall be composed of 7 members appointed by the Washington County Legislative delegation. In addition, the members of the Washington County Legislative delegation shall be ex-officio members of said committee.

The committee shall study all facets of county government including compensation, revenue, and road and bridge work, etc. The committee shall report their recommendations to the legislative delegation on any possible changes prior to the beginning of the next regular session, whereupon the committee shall be dissolved.

The Washington County governing body shall pay for all expenses incurred by said committee, including travel expenses incurred while studying other counties and shall furnish all needed clerical and professional help and shall give the committee access to all county records.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 287, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Kelley:

H. J. R. 310. COMMENDING EUGENE H. STARNES UPON HIS RETIREMENT.

Also:

By Mr. McNees:

H. J. R. 311. COMMENDING CECIL H. STRAWBRIDGE ON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 310 and 311, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 83. RELATIVE TO NAMING ALABAMA HIGHWAY 59 FROM URIAH TO BAY MINETTE THE "FORT MIMS HIGHWAY".

Also:

S. J. R. 101. RELATIVE TO DECLARING AUGUST 21 "LEON DOUGLAS DAY".

Also:

S. J. R. 105. RELATIVE TO DESIGNATING PORTION OF U. S. 431 AS CHEAHA STATE PARK DRIVE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 728. To amend Section 1, Act No. 206, H. 1, Third Special Session of the Legislature of 1975, approved May 5, 1975, which provides a longevity pay bonus for certain law enforcement officers to include in the provisions of the act deputy sheriffs in counties having populations of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Falkenburg and White:

H. J. R. 320. WHEREAS, the Alabama State Nurses Association has nominated Mrs. Frances Russey for a position on the National Advisory Council on Health Planning; and

WHEREAS, Mrs. Russey, in her capacity as Director of Public Health Nursing for the Jefferson County Health Department, has continuously demonstrated her ability in and commitment to excellence in health planning and service; and

WHEREAS, Mrs. Russey has been employed in Public Health Nursing since 1947 and has served in her present position since 1962; and

WHEREAS, Mrs. Russey has been actively involved in planning for nursing services and nursing education at the local, state and national level; and

WHEREAS, Mrs. Russey has served as the nurse representative on the Governor's Health Study Commission in 1971-72, on the Family Planning Advisory Committee, on the Jefferson County Child Development Council, as a board member of the Retired Senior Volunteer Program, on the Task Force for Planning Eldergarden, Jefferson County's new senior citizens center; on the Task Force for Community Planning for the Alabama League of Nursing, as chairperson of the Alabama State Nurses Association Legislature Committee, and as a member of the Advisory Board of the Mental Health Association of Jefferson County; and

WHEREAS, under Mrs. Russey's direction the Jefferson County Health Department, Home Health Agency has received the distinction of being the only home health agency in Alabama to be accredited by the National League for Nursing and the American Public Health Association; and

WHEREAS, a position on the National Advisory Council on Health Planning is a position requiring an individual with demonstrated excellence of experience and ability in the area of health services and planning,

NOW, THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Legislature of Alabama endorses and supports the nomination of Mrs. Frances Russey by the Alabama State Nurses Association for a position on the National Advisory Council on Health Planning.

BE IT FURTHER RESOLVED, that the Legislature of Alabama respectfully urges the Honorable David Mathews to appoint Mrs. Frances Russey to this position.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Honorable David Mathews.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 320, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Smith (C):

H. J. R. 323. CONGRATULATING THE SHELBY NEWS-MONITOR UPON RECEIVING THE MOST IMPROVED AWARD FROM THE ALABAMA PRESS ASSOCIATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Rules were suspended and the Resolution, H. J. R. 323, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Goodwin and Drake:

H. J. R. 319. COMPLIMENTING MISS DENISE DAVIS UPON BEING CHOSEN MISS ALABAMA 1976.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 319, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (C), Moore (O) and Waggoner:

H. J. R. 324. CONGRATULATING THE SHELBY COUNTY REPORTER UPON RECEIVING AWARDS FROM THE ALABAMA PRESS ASSOCIATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Rules were suspended and the Resolution, H. J. R. 324, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILL RE-REFERRED

Mr. Owen moved that the Bill, H. B. 1099, be removed from the Standing Committee on Finance and Taxation and re-referred to the Standing Committee on Local Legislation No. 1, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 1099, re-referred to the Standing Committee on Local Legislation No. 1.

BILLS ON THIRD READING RESUMED

The Bill:

S. 674. Proposing an amendment to the Constitution of Alabama further amending Section 144, Article VI, of the Constitution of Alabama; providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary, and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

was taken up.

On motion of Mr. Baker, further consideration of the Bill, S. B. 674, was postponed temporarily.

The Bill:

S. 19. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mitchell, Noonan, Pearson, Roberts, Shelby, Stewart, Vacca.

— 19

Nays:

— 0

The Bill:

S. 621. Relating to Jefferson County; to authorize and provide for additional funds from the general funds of the county and each municipality located therein for the maintenance and operation of the Jefferson County Board of Health, including, but not limited to, the employment of personnel, the acquisition of land, the erection, construction, extension, renewal and repair of buildings and improvements thereon, which are related to or required by the prescribed duties of the Jefferson County Health Officer.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

S. 501. To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

To create a reconstituted coastal area board with responsibility and authority for developing, coordinating and maintaining a coastal area program for the area in direct proximity to the coasts of Alabama to insure the enhancement of tourism and orderly economic development along coasts; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

was taken up.

The Standing Committee on Seaports and Inland Waterways reported the following substitute for the Bill, S. B. 501, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 501

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

To create a reconstituted coastal area board with responsibility and authority for developing, coordinating and maintaining a coastal area program for the area in direct proximity to the coasts of Alabama to insure the enhancement of tourism and orderly economic development along coasts; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. The purpose of this Act is to promote, improve and safeguard the lands and waters located in the coastal areas of this state through a comprehensive and cooperative program designed to preserve, enhance and develop such valuable resources for the present and future well-being and general welfare of the citizens of this state. In promulgating such a program, the Legislature of Alabama recognizes and declares that:

a. The coastal area is rich in a variety of natural, commercial, recreation, industrial, and aesthetic resources of immediate and potential value to the present and future well-being of the state.

b. There are increasing and competing demands upon the lands and waters of the coastal area occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

c. The coastal area, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently vulnerable to destruction by man's alterations.

d. Important ecological, cultural, historic and aesthetic values to the coastal area are essential to the well-being of all citizens.

e. Special natural and scenic characteristics may be damaged by ill-planned development.

f. There is a state interest in the effective administration, beneficial use, protection, and development of the coastal area.

g. In light of competing demands and the urgent need to balance development for the preservation of the natural systems in the coastal area, the key to more effective protection and use of land and water resources of the coastal area is to encourage the state to exercise its authority for improved and better methods of utilizing the lands and waters in the coastal area by developing, in cooperation with counties and

municipalities and other vitally affected interests, land and water use programs for the coastal area, including unified policies, criteria, standards, methods, and processes for dealing with land and water use.

Section 2. State Policy. The Legislature finds and declares that it is State policy:

a. To preserve, protect, develop, and where possible, to restore or enhance, the resources of the state's coastal area for this and succeeding generations;

b. To encourage and assist counties and municipalities to exercise effectively their responsibilities in the coastal area through the development and implementation of administration programs to achieve wise use of the land and water resources of the coastal area giving full consideration to needs for economic development, as well as to ecological, cultural, historic, and aesthetic values.

c. To assure that in development of the state's coastal area adequate consideration is given to such uses of the coastal area as the establishment of harbor facilities for the receiving of oil, gas and other commodities from ships and tankers; pipelines from such ports; and utility plant sites, utility generation, transmission, distribution, and transportation facilities;

d. To urge that all state agencies engaged in programs affecting the coastal area cooperate and participate with local governments and regional agencies in effectuating the purposes of this Act; and

e. To encourage the participating of the public, of federal, state, and local governments and of regional agencies in the development of coastal area administration programs. With respect to implementation of such administration programs, it is the state policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures and joint action particularly regarding environmental problems.

Section 3. Definitions. The following terms, whenever used in this Act, shall have the following respective meanings unless the context thereof clearly indicates otherwise:

a. "Coastal area" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) strongly influenced by each and in proximity to the shorelines of Alabama, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The area extends seaward to the outer limit of the United States territorial sea and extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters.

b. "Coastal waters" means those waters, adjacent to the shoreline, which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

c. "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurable diluted with fresh water derived from land drainage.

d. "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible, a natural unit, set aside to

provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

e. "Administration Program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this Act, setting forth objectives, policies and standards to guide public and private users of lands and waters in the coastal area.

f. "Water use" means activities which are conducted in or on the water, but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge of runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of this Act.

g. "Board" means the Board established under this Act.

h. "Activity or action subject to the management program" means any processes carried out by individuals, partnerships, and/or corporations within the described boundaries of the coastal area which has a direct and significant impact on the coastal waters of Alabama.

Section 4. Permissible Uses. The legislature of Alabama finds that the following activities shall constitute permissible uses within the Coastal Area upon the approval of this Act by the Governor. The Board shall determine by rule and regulation from time to time additional permissible uses within the Coastal Area.

a. The accomplishment of emergency decrees of any duly appointed health officer of a county or municipality or of the state, acting to protect the public health and safety;

b. The conservation, repletion and research activities of the Marine Environmental Sciences Consortium, the Marine Resources Division of the Department of Conservation and Natural Resources and the Mississippi-Alabama Sea Grant Consortium;

c. The exercise of riparian rights by the owner of the riparian rights, provided that the construction and maintenance of piers, boathouses and similar structures are constructed on pilings, that permit a reasonably unobstructed ebb and flow of the tide;

d. The normal maintenance and repair of bulkheads, piers, roads and highways existing on the date of enactment of this Act;

e. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling;

f. Normal maintenance and repair activities of railroads and of utilities or other persons engaged in transportation or in telephone communication service or in the distribution or transmission of gas, electricity or water or the collection of sewage, including inspecting, maintaining, repairing, or renewing on private or public rights of way any sewers, mains, conduits, pipes, cables, utility tunnels, power lines, towers, poles, tracks, bridges, trestles and drainage facilities or the like, or making service connections thereto, or inspecting, maintaining, repairing, or renewing any substation, pumping or lifting facility;

g. Activities of any mosquito control commission which is a political subdivision or agency of the State of Alabama;

h. The use of any land for the purpose of planting, growing, or harvesting plants, crops, trees, or other agricultural or forestry products, including normal private road construction, raising livestock or poultry, or for other agricultural purposes;

i. Completion of any development, not otherwise in violation of law, for which a valid building or zoning permit was issued prior to approval of this Act and which development was initiated prior to the passage of this Act.

Section 5. Composition, Appointments, Meetings and Functions of Board. There is hereby created the Alabama Coastal Area Board as set forth as follows:

a. Members of the Board shall consist of: Director, Office of State Planning, Alabama Development Office; Director, Marine Resources Division, Department of Conservation and Natural Resources; member, Mobile City Commission; member, Mobile County Commission; member, Baldwin County Commission; the State Geologist; Director, Marine Environment Sciences Consortium; one official of a municipality in Baldwin County, who is a member of and selected by the Baldwin County Mayor's Association, the Chairman of the Coastal Area Advisory Committee provided for in Sec. 9 of this Act.

b. The term of office of each Board member shall be consistent with his elective or appointed office. The member from the Mobile City Commission and the Baldwin and Mobile County Commission shall be elected by the membership of their respective commissions.

c. The Chairman of the Board shall be elected by the members of the Board and shall serve as chairman at the pleasure of the Board. The Board shall designate from time to time any other member as acting Chairman who shall serve in the absence of the Chairman.

d. A quorum for the transaction of business shall consist of at least five (5) members. A majority of those members voting shall be required to pass any motion before the Board. The Board shall have an official seal which shall be judicially noticed.

e. Members shall receive no additional compensation for serving on the Board, but shall be reimbursed for expenses of travel and subsistence in the discharge of their official duties at the rate provided by law.

f. The Board shall meet quarterly, and shall meet in special sessions as occasion demands upon the call of the Chairman. All meetings shall be open to the public and an accurate record of all proceedings shall be kept and made available for public inspection. All members shall be voting members.

g. The Board shall have authority to solicit, accept and expend funds from the State, the United States, and from any other source, to carry out the provisions, purposes and policies of this Act.

h. The Board shall coordinate activities and plans of all existing interests, other State governments, local governments, regional planning agencies, interstate compacts and commissions, and federal agencies which have programs relevant to the coastal area.

i. When necessary to achieve conformance with the management program provided for in Section 6 of this Act, the Board shall have the

power to acquire fee simple and less than fee simple interest in land, water and other property under the procedures of Title 19, Code of Alabama, or other means. In the implementation of this Act no governmental agency shall adopt a rule or regulation that is unduly restrictive, or constitutes a taking of property without payment of full compensation in accordance with the Constitution of the State of Alabama or of the United States.

j. The Board is authorized to employ an executive director to serve at the will of the Board. The executive director, under policies adopted by the Board, shall manage the executive and administrative functions of the Board and the Board's general operations and shall serve as chief administrative officer of the Board. The executive director, in addition to his usual functions, shall be secretary to the Coastal Area Board. The Board shall fix the compensation of the executive director. The executive director, subject to Board approval, shall employ necessary engineers, attorneys, accountants, technical personnel and other employees necessary to carry out the provisions of this Act. Employees of the Board are entitled to compensation as provided by the Board. The executive director shall keep complete and accurate minutes of all transactions and proceedings of the Board. The executive director shall be custodian of all files and records of the Board.

k. The Board is authorized to call upon and/or contract with such other state agencies including universities to provide such technical assistance as might be needed from time to time to develop and carry out the management program. The cost of such technical assistance shall be reimbursable to the agency furnishing such assistance on an actual cost basis.

l. Not later than 180 days from the approval of this Act by the Governor the Board shall provide for the orderly transfer by the State Planning Office of all of the State Planning Office functions under Act 1274, Regular Session 1973 to the office and staff directed and hired by the Coastal Area Board, and accordingly there shall be established in the Gulf Coast area an office to carry out the functions, responsibilities and duties herein presently delegated to the office of State Planning and otherwise to effectuate the provisions of this Act.

Pursuant to the above provisions of this subsection L., the Board is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act. There is hereby created a fund which shall be known as the Alabama Coastal Area Board Fund. This shall consist of: (a) all money appropriated to the Board by the Legislature of the State of Alabama; (b) all money received by the Board by appropriation from county or municipal governments; (c) all gifts, grants, bequests or donations from individuals, associations, corporations, or industries; (d) all money derived through any source of federal aid; (e) all other moneys accruing to the Board in accordance with the terms of the gift, grant, bequest, appropriation, or donation from which said money is derived. The funds shall be expended by the Board in furtherance of any of the provisions of this Act. All necessary expenses of the Board shall likewise be paid out of said fund.

Section 6. Development of Program by Board. The Board shall provide for the development of a comprehensive coastal area administration program. The program shall be prepared in cooperation with local, regional, state and federal interests. The inland boundaries of the Coastal Area subject to the management program are described as

follows: Begin at the southernmost point on the Mississippi-Alabama State line where the land surface elevation reaches 10 feet above mean sea level and continue in a general easterly direction along the 10-foot contour to the proximity of Mobile Bay; continue in a northerly direction on the 10-foot contour along the western shore of Mobile Bay and the Mobile River delta to the north line of Mobile County; thence southeastward along the north line of Mobile County to the intersection with the Baldwin County lines in the Mobile River; thence along the west and north lines of Baldwin County in the Mobile and Alabama Rivers to the intersection of the southwest corner of Monroe County; thence eastward along the Baldwin County line to the intersection of the westernmost point of Baldwin County where the land surface altitude reaches 10 feet above mean sea level; thence along the 10-foot contour in a southwesterly and southern direction along the Alabama River, the Mobile River delta and the east shore of Mobile Bay to the proximity of Bon Secour; thence continue along the 10-foot contour in an easterly and northeasterly direction to the Alabama-Florida State line. The program shall include at least the following:

- a. Identification of all of the state's coastal resources;
- b. Evaluation of these resources in terms of their quality, quantity, and capability for the use both now and in the future;
- c. Determination of the present and potential uses and the present and potential conflicts in the uses of each coastal resource;
- d. A definition of what shall constitute permissible land and water uses within the coastal area which have a direct and significant impact on the coastal waters;
- e. An inventory and designation of areas of particular concern within the coastal area;
- f. Broad guidelines on priority of uses in particular areas;
- g. Provision for adequate consideration of the local, regional, state and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other public services necessary to meet requirements which are other than local in nature.
- h. Provision for consideration of whether a proposed activity of an applicant for a federal license or permit complies with the state's coastal area program and for the issuance of notice to any concerned federal agency as to whether the state concurs with or objects to the proposed activity.
- i. Adequate provision for public notice, public hearings, and the judicial review as provided for under Alabama law.
- j. The management program shall determine permissible uses within the boundaries of the Coastal Area and must give due consideration to requirements for agriculture, industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, harvesting of timber and pulpwood, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

Section 7. Rules and Regulations. The Board shall develop and promulgate, after notice and opportunity for full participation by relevant Federal Agencies, State Agencies, local governments, regional organizations, port authorities and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the management program provided for in this Act.

Section 8. Permits. It is the intent and purpose of this section to avoid duplicity whenever possible in managing activities within the coastal area and yet assure compliance with the management program established by the Board.

a. No additional permit shall be required from the Board where the proposed action requires a permit from; Alabama Water Improvement Commission or Alabama Air Pollution Commission or Alabama Oil and Gas Board, or any other state agency having jurisdiction of an action within the coastal area. However, the above mentioned agencies shall not issue a permit for any activity or action within the boundaries of the coastal area until there has been a determination by the Board that any permit issued by the above agencies will be in compliance with the management program of the Board. The Board shall act on any such request for determination of compliance within forty-five (45) calendar days of receipt of such request. Failure to act within the time limit specified shall be considered as an affirmation of compliance with the management program.

b. There may well be uses of certain lands included within the boundaries of the Coastal Area which will not have a "direct and significant" impact on coastal waters. Such uses may be subject to regulation by local units of government, i.e. city or county, within the framework of the management program adopted by the Board.

c. Any person, corporation or partnership filing an application for a Federal permit for an activity to be conducted within the boundaries of the Coastal Area shall deliver to the Board a copy of such application together with a certification of compliance with the management program of the Board. No additional permit for such action shall be required by the Board of the applicant.

Section 9. Advisory Committee. There is hereby established the Coastal Area Advisory Committee whose purpose shall be to advise consult with the Board and make recommendations to the Board on matters concerning the Coastal Area. The committee membership shall be composed of fourteen (14) persons having a broad range of experience and knowledge relating to problems involving management, use, conservation, protection and development of coastal area resources. Members selected shall represent a broad segment of industry and commerce, conservation and protection groups within the coastal area, farming and forestry within the coastal area, fishing and marine transport within the coastal area, building and land development within the coastal area, and planning and engineering within the coastal area.

The County Commissions of Mobile and Baldwin Counties shall solicit nominations from various public, private, civic and professional groups representing the above interests for membership on the Coastal Area Advisory Committee and each County Commission shall select seven (7) for membership assuring that there is a balance of all interests represented and assuring that at least one-half of the committee membership shall be

residents of Baldwin County and at least one-half of the committee membership shall be residents of Mobile County. The members so selected shall serve for a period of one (1) year from the date of their appointment and shall be eligible for reappointment. The total committee membership of fourteen (14) so selected by their respective County Commissions shall elect a Chairman who shall serve at the pleasure of the Coastal Area Advisory Committee and who by virtue of such office shall serve as a voting member of the Coastal Area Board.

Section 10. Approval by Governor.

a. The management program provided for in Section 6 of this Act shall not become effective until approved by the Governor.

b. Any rule or regulation proposed by the Board shall not become effective until approved by the Governor.

Section 11. Appeals and Judicial Review.

a. An appeal may be taken by any person aggrieved by an order of the Board, which has resulted in the denial, suspension, or revocation of a permit or the issuance of a permit or a conditional permit within the coastal area. Before such appeal will lie, written protest setting forth the basis of the appeal must be filed with the Board within thirty (30) days of final Board action.

b. After an appeal has been filed as provided for above, the Board may conduct such further inquiry into the matter as might be appropriate.

The appellant shall be given an opportunity to introduce testimony, both written and oral, to support the appeal to the Board. The Chairman of the Board shall have wide discretion in the manner of conducting the appeal and shall be the sole judge as to the admissibility and sufficiency of the evidence.

c. If the Board denies an appeal as provided for above, the aggrieved party may appeal the order of the Board denying such appeal to the Circuit Court of the county in which the property affected by the order of the Board is located. If the court finds that the order appealed from is supported by substantial evidence, consistent with the public policy set forth in this Act, is not arbitrary or capricious and does not violate constitutional rights, it shall affirm the Board's order.

Section 12. Initiation of Actions. The State of Alabama at the request of the Board, a district attorney having jurisdiction, or a county attorney having jurisdiction may initiate an action against any person or persons believed to be in violation of the management program of the Board.

a. Jurisdiction and venue for judicial actions brought pursuant to this Act shall lie in any county or counties in which the alleged violation occurs or in which property affected by such violation is located.

b. Threatened or actual violations of this Act may be restrained by order of the Circuit Court of the county in which any affected area of the coastal area or any part thereof lies. Such suits shall be initiated as provided for above.

c. Nothing in this Act shall preclude other statutory or common law remedies by public or private parties against violators or non-violators of this Act.

Section 13. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. Authority of Board to Implement Coastal Area Office. The Board shall take the steps to implement Sec. 4-1 of this Act only after there has been appropriated by the Legislature of Alabama the sum of Forty Thousand Dollars (\$40,000.00) for the purposes of implementing the provisions of the Act, or in the alternative, the Board has acquired by gift, donation or bequest, or appropriation from county or municipal government or services in kind by another state agency or agencies, a sum equal to Forty Thousand Dollars (\$40,000.00).

Section 15. Repeal Section. All laws in conflict or inconsistent with the provisions of the Act are hereby repealed.

Section 16. Effective Date. This Act shall become effective from the date of its approval by the Governor or from the date it otherwise becomes law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, Shelby, Stewart, Torbert, Vacca.

—22

Nays:

—0

Mr. Noonan offered the following amendment to the Bill, S. B. 501, as amended by the substitute, to-wit:

AMENDMENT TO S. 501, AS AMENDED

On page 10, line 21, after the sentence ending "Mobile County." insert the following sentence:

In addition a majority of those members selected from each county shall either reside in and/or own property within the management program of the coastal area.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Flippo, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, Shelby, Stewart, Torbert, Vacca.

—21

Nays:

—0

Mr. Noonan then offered the following amendment to the Bill, S. B. 501, as amended, to-wit:

AMENDMENT TO S. 501, AS AMENDED

On page 11, line 33, strike the number "4-1" and insert in lieu thereof the following number:

5-1.

Which was adopted.

Yeas 22; Nays 0.

Yeas: Messrs. Baker, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, Shelby, Stewart, Torbert, Vacca.

—22

Nays:

—0

Mr. Roberts offered the following amendment to the Bill, S. B. 501, as amended, to-wit:

AMENDMENT TO 501, AS AMENDED

Amend S. 501, as amended, on Page 8, line 16, by adding after the period the following sentence: The boundaries of the Coastal Area subject to the management program shall include the area 1,000 feet landward from the mean high tide line in those areas where the 10-foot contour line fails to extend landward for 1,000 feet.

Amend S. 501, as amended, on Page 9, line 33, and Page 10, lines 1-4, by striking the following: C. Any person, corporation or partnership filing an application for a Federal permit for an activity to be conducted within the boundaries of the Coastal Area shall deliver to the Board a copy of such application together with a certification of compliance with the management program of the Board. No additional permit for such action shall be required by the Board of the applicant.

In place of the above stricken paragraph the following shall be inserted:

c. Any person, corporation or partnership filing an application for a Federal permit for an activity to be conducted within the boundaries of the Coastal Area shall deliver to the Board a copy of such application and shall as a condition for conducting such activity, obtain from the Board a certification of compliance with the management program of the Board. No additional permit for such action shall be required by the Board of the applicant.

Amend S. 501, as amended, on Page 11, lines 24-28, by renumbering the present "Section b" to be "Section c" and by renumbering the present "Section c" to be "Section d" and by inserting the following to be "Section b":

b. Any person who violates the provisions of this chapter shall be liable to the State of Alabama for the restoration of all affected coastal areas to their condition prior to such violation, insofar as such restoration is possible, and for any and all damages to such areas. The appropriate circuit court shall allow a reasonable time for completion of the restoration and may, in its discretion, order as punitive damages a sum not to exceed

five hundred dollars (\$500.00) per day for each day such violation has existed. The said circuit court may further order in punitive damages a sum not to exceed five hundred dollars (\$500.00) per day for each day that the violation exists beyond the date set by said court in its order for the restoration of said area.

On motion of Mr. Noonan, said amendment was laid on the table.

And said Bill, S. B. 501, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 2.

Yeas:

Messrs. Bank, Edwards, Fine, Flippo, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Roberts, Shelby, Stewart, Torbert, Vacca.

— 17

Nays: Messrs. Ellis, Jones.

— 2.

The Bill:

S. 517. To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

was taken up.

Mr. Noonan offered the following substitute for the Bill, S. B. 517, to-wit:

SUBSTITUTE FOR S. 517

A BILL TO BE ENTITLED AN ACT

To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. The purpose of this Act is to promote, improve and safeguard the lands and waters located in the coastal areas of this state through a comprehensive and cooperative program designed to preserve, enhance and develop such valuable resources for the present and future well-being and general welfare of the citizens of this state. In promulgating such a program, the Legislature of Alabama recognizes and declares that:

a. The coastal area is rich in a variety of natural, commercial, recreation, industrial, and aesthetic resources of immediate and potential value to the present and future well-being of the state.

b. There are increasing and competing demands upon the lands and waters of the coastal area occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

c. The coastal area, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently vulnerable to destruction by man's alterations.

d. Important ecological, cultural, historic and aesthetic values to the coastal area are essential to the well-being of all citizens.

e. Special natural and scenic characteristics may be damaged by ill-planned development.

f. There is a state interest in the effective administration, beneficial use, protection, and development of the coastal area.

g. In light of competing demands and the urgent need to balance development for the preservation of the natural systems in the coastal area, the key to more effective protection and use of land and water resources of the coastal area is to encourage the state to exercise its authority for improved and better methods of utilizing the lands and waters in the coastal area by developing, in cooperation with counties and municipalities and other vitally affected interests, land and water use programs for the coastal area, including unified policies, criteria, standards, methods, and processes for dealing with land and water use.

Section 2. State Policy. The Legislature finds and declares that it is State policy:

a. To preserve, protect, develop, and where possible, to restore or enhance, the resources of the state's coastal area for this and succeeding generations;

b. To encourage and assist counties and municipalities to exercise effectively their responsibilities in the coastal area through the development and implementation of administration programs to achieve wise use of the land and water resources of the coastal area giving full consideration to needs for economic development, as well as to ecological, cultural, historic, and aesthetic values.

c. To assure that in development of the state's coastal area adequate consideration is given to such uses of the coastal area as to the establishment of harbor facilities for the receiving of oil, gas and other commodities from ships and tankers; pipelines from such ports; and utility plant sites, utility generation, transmission, distribution, and transportation facilities;

d. To urge that all state agencies engaged in programs affecting the coastal area cooperate and participate with local governments and regional agencies in effectuating the purposes of this Act; and

e. To encourage the participating of the public, of federal, state, and local governments and of regional agencies in the development of coastal area administration programs. With respect to implementation of such administration programs, it is the state policy to encourage cooperation among the various state and regional agencies including establishment of

interstate and regional agreements, cooperative procedures and joint action particularly regarding environmental problems.

Section 3. Definitions. The following terms, whenever used in this Act, shall have the following respective meanings unless the context thereof clearly indicates otherwise:

a. "Coastal area" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) strongly influenced by each and in proximity to the shorelines of Alabama, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The area extends seaward to the outer limit of the United States territorial sea and extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters.

b. "Coastal waters" means those waters, adjacent to the shoreline, which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

c. "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage.

d. "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible, a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

e. "Administration Program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this Act, setting forth objectives, policies and standards to guide public and private users of lands and waters in the coastal area.

f. "Water use" means activities which are conducted in or on the water, but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of this Act.

g. "Board" means the Board established under this Act.

h. "Activity or action subject to the management program" means any processes carried out by individuals, partnerships, and/or corporations within the described boundaries of the coastal area which has a direct and significant impact on the coastal waters of Alabama.

Section 4. Permissible Uses. The Legislature of Alabama finds that the following activities shall constitute permissible uses within the Coastal Area upon the approval of this Act by the Governor. The Board shall determine by rule and regulation from time to time additional permissible uses within the Coastal Area.

a. The accomplishment of emergency decrees of any duly appointed health officer of a county or municipality or of the state, acting to protect the public health and safety;

b. The conservation, repletion and research activities of the Marine Environmental Sciences Consortium, the Marine Resources Division of the

Department of Conservation and Natural Resources and the Mississippi-Alabama Sea Grant Consortium;

c. The exercise of riparian rights by the owner of the riparian rights, provided that the construction and maintenance of piers, boathouses and similar structures are constructed on pilings, that permit a reasonably unobstructed ebb and flow of the tide;

d. The normal maintenance and repair of bulkheads, piers, roads and highways existing on the date of enactment of this Act;

e. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling;

f. Normal maintenance and repair activities of railroads and of utilities or other persons engaged in transportation or in telephone communication service or in the distribution or transmission of gas, electricity or water or the collection of sewage, including inspecting, maintaining, repairing, or renewing on private or public rights of way any sewers, mains, conduits, pipes, cables, utility tunnels, power lines, towers, poles, tracks, bridges, trestles and drainage facilities or the like, or making service connections thereto, or inspecting, maintaining, repairing, or renewing any substation, pumping or lifting facility;

g. Activities of any mosquito control commission which is a political subdivision or agency of the State of Alabama;

h. The use of any land for the purpose of planting, growing, or harvesting plants, crops, trees, or other agricultural or forestry products, including normal private road construction, raising livestock or poultry, or for other agricultural purposes;

i. Completion of any development, not otherwise in violation of law, for which a valid building or zoning permit was issued prior to approval of this Act and which development was initiated prior to the passage of this Act.

Section 5. Composition, Appointments, Meetings and Functions of Board. There is hereby created the Alabama Coastal Area Board as set forth as follows:

a. Members of the Board shall consist of: Director, Office of State Planning, Alabama Development Office; Director, Marine Resources Division, Department of Conservation and Natural Resources; member, Mobile City Commission; member, Mobile County Commission; member, Baldwin County Commission; the State Geologist; Director, Marine Environment Sciences Consortium; one official of a municipality in Baldwin County, who is a member of and selected by the Baldwin County Mayor's Association, the Chairman of the Coastal Area Advisory Committee provided for in Sec. 9 of this Act.

b. The term of office of each Board member shall be consistent with his elective or appointed office. The member from the Mobile City Commission and the Baldwin and Mobile County Commissions shall be elected by the membership of their respective commissions.

c. The Chairman of the Board shall be elected by the members of the Board and shall serve as chairman at the pleasure of the Board. The Board shall designate from time to time any other member as acting Chairman who shall serve in the absence of the Chairman.

d. A quorum for the transaction of business shall consist of at least five (5) members. A majority of those members voting shall be required to pass any motion before the Board. The Board shall have an official seal which shall be judicially noticed.

e. Members shall receive no additional compensation for serving on the Board, but shall be reimbursed for expenses of travel and subsistence in the discharge of their official duties at the rate provided by law.

f. The Board shall meet quarterly, and shall meet in special sessions as occasion demands upon the call of the Chairman. All meetings shall be open to the public and an accurate record of all proceedings shall be kept and made available for public inspection. All members shall be voting members.

g. The Board shall have authority to solicit, accept and expend funds from the State, the United States, and from any other source, to carry out the provisions, purposes and policies of this Act.

h. The Board shall coordinate activities and plans of all existing interests, other State governments, local governments, regional planning agencies, interstate compacts and commissions, and federal agencies which have programs relevant to the coastal area.

i. When necessary to achieve conformance with the management program provided for in Section 6 of this Act, the Board shall have the power to acquire fee simple and less than fee simple interest in land, water and other property under the procedures of Title 19, Code of Alabama, or other means. In the implementation of this Act no governmental agency shall adopt a rule or regulation that is unduly restrictive, or constitutes a taking of property without payment of full compensation in accordance with the Constitution of the State of Alabama or of the United States.

j. The Board is authorized to employ an executive director to serve at the will of the Board. The executive director, under policies adopted by the Board, shall manage the executive and administrative functions of the Board and the Board's general operations and shall serve as chief administrative officer of the Board. The executive director, in addition to his usual functions, shall be secretary to the Coastal Area Board. The Board shall fix the compensation of the executive director. The executive director, subject to Board approval, shall employ necessary engineers, attorneys, accountants, technical personnel and other employees necessary to carry out the provisions of this Act. Employees of the Board are entitled to compensation as provided by the Board. The executive director shall keep complete and accurate minutes of all transactions and proceedings of the Board. The executive director shall be custodian of all files and records of the Board.

k. The Board is authorized to call upon and/or contract with such other state agencies including universities to provide such technical assistance as might be needed from time to time to develop and carry out the management program. The cost of such technical assistance shall be reimbursable to the agency furnishing such assistance on an actual cost basis.

l. Not later than 180 days from the approval of this Act by the Governor the Board shall provide for the orderly transfer by the State Planning Office of all of the State Planning Office reports, contracts, work in progress, and other functions which were performed by the State

Planning Office in furtherance of Sec. 5 (e) of Sec. 5 (f) of Act 1274, Regular Session 1973 to the office and staff directed and hired by the Coastal Area Board, and accordingly there shall be established in the Gulf Coast area an office to carry out the functions, responsibilities and duties herein presently delegated to the office of State Planning and otherwise to effectuate the provisions of this Act.

Pursuant to the above provisions of this subsection L., the Board is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act. There is hereby created a fund which shall be known as the Alabama Coastal Area Board Fund. This shall consist of: (a) all money appropriated to the Board by the Legislature of the State of Alabama; (b) all money received by the Board by appropriation from county or municipal governments; (c) all gifts, grants, bequests or donations from individuals, associations, corporations, or industries; (d) all money derived through any source of federal aid; (e) all other moneys accruing to the Board in accordance with the terms of the gift, grant, bequest, appropriation, or donation from which said money is derived. The funds shall be expended by the Board in furtherance of any of the provisions of this Act. All necessary expenses of the Board shall likewise be paid out of said fund.

Section 6. Development of Program by Board. The Board shall provide for the development of a comprehensive coastal area administration program. The program shall be prepared in cooperation with local, regional, state and federal interests. The inland boundaries of the Coastal Area subject to the management program are described as follows: Begin at the southernmost point on the Mississippi-Alabama State line where the land surface elevation reaches 10 feet above mean sea level and continue in a general easterly direction along the 10-foot contour of the proximity of Mobile Bay; continue in a northerly direction on the 10-foot contour along the western shore of Mobile Bay and the Mobile River delta to the north line of Mobile County; thence southeastward along the north line of Mobile County to the intersection with the Baldwin County lines in the Mobile River; thence along the west and north lines of Baldwin County in the Mobile and Alabama Rivers to the intersection of the southwest corner of Monroe County; thence eastward along the Baldwin County line to the intersection of the westernmost point of Baldwin County where the land surface altitude reaches 10 feet above mean sea level; thence along the 10-foot contour in a southwesterly and southern direction along the Alabama River, the Mobile River delta and the east shore of Mobile Bay to the proximity of Bon Secour; thence continue along the 10-foot contour in an easterly and northeasterly direction to the Alabama-Florida State line. The program shall include at least the following:

- a. Identification of all of the state's coastal resources;
- b. Evaluation of these resources in terms of their quality, quantity, and capability for the use both now and in the future;
- c. Determination of the present and potential uses and the present and potential conflicts in the uses of each coastal resource;
- d. A definition of what shall constitute permissible land and water uses within the coastal area which have a direct and significant impact on the coastal waters;

e. An inventory and designation of areas of particular concern within the coastal area;

f. Broad guidelines on priority of uses in particular areas;

g. Provision for adequate consideration of the local, regional, state and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other public services necessary to meet requirements which are other than local in nature.

h. Provision for consideration of whether a proposed activity of an applicant for a federal license or permit complies with the state's coastal area program and for the issuance of notice to any concerned federal agency as to whether the state concurs with or objects to the proposed activity.

i. Adequate provision for public notice, public hearings, and the judicial review as provided for under Alabama law.

j. The management program shall determine permissible uses within the boundaries of the Coastal Area and must give due consideration to requirements for agriculture, industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, harvesting of timber and pulpwood, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

Section 7. Rules and Regulations. The Board shall develop and promulgate, after notice and opportunity for full participation by relevant Federal Agencies, State Agencies, local governments, regional organizations, port authorities and other interested parties, both public and private such rules and regulations as may be necessary to carry out the management program provided for in this Act.

Section 8. Permits. It is the intent and purpose of this section to avoid duplicity whenever possible in managing activities within the coastal area and yet assure compliance with the management program established by the Board.

a. No additional permit shall be required from the Board where the proposed action requires a permit from; Alabama Water Improvement Commission or Alabama Air Pollution Commission or Alabama Oil and Gas Board, or any other state agency having jurisdiction of an action within the Coastal Area. However, the above mentioned agencies shall not issue a permit for any activity or action within the boundaries of the Coastal Area until there has been a determination by the Board that any permit issued by the above agencies will be in compliance with the management program of the Board. The Board shall act on any such request for determination of compliance within forty-five (45) calendar days of receipt of such request. Failure to act within the time limit specified shall be considered as an affirmation of compliance with the management program.

b. There may well be uses of certain lands included within the boundaries of the Coastal Area, which will not have a "direct and significant" impact on coastal waters. Such uses may be subject to regulation by local units of government, i.e. city or county, within the framework of the management program adopted by the Board.

c. Any person, corporation or partnership filing an application for a Federal permit for an activity to be conducted within the boundaries of the Coastal Area shall deliver to the Board a copy of such application together with a certification of compliance with the management program of the Board. No additional permit for such action shall be required by the Board of the applicant.

Section 9. Advisory Committee. There is hereby established the Coastal Area Advisory Committee whose purpose shall be to advise consult with the Board and make recommendations to the Board on matters concerning the Coastal Area. The committee membership shall be composed of fourteen (14) persons having a broad range of experience and knowledge relating to problems involving management, use, conservation, protection and development of coastal area resources. Members selected shall represent a broad segment of industry and commerce, conservation and protection groups within the coastal area, farming and forestry within the coastal area, fishing and marine transport within the coastal area, building and land development within the coastal area, and planning and engineering within the coastal area.

The County Commissions of Mobile and Baldwin Counties shall solicit nominations from various public, private, civic and professional groups representing the above interests for membership on the Coastal Area Advisory Committee and each County Commission shall select seven (7) for membership assuring that there is a balance of all interests represented and assuring that at least one-half of the committee membership shall be residents of Baldwin County and at least one-half of the committee membership shall be residents of Mobile County. In addition a majority of those members selected from each county shall either reside in and/or own property within the management program of the coastal area. The members so selected shall serve for a period of one (1) year from the date of their appointment and shall be eligible for reappointment. The total committee membership of fourteen (14) so selected by their respective County Commissions shall elect a Chairman who shall serve at the pleasure of the Coastal Area Advisory Committee and who by virtue of such office shall serve as a voting member of the Coastal Area Board.

Section 10. Approval by Governor.

a. The management program provided for in Section 6 of this Act shall not become effective until approved by the Governor.

b. Any rule or regulation proposed by the Board shall not become effective until approved by the Governor.

Section 11. Appeals and Judicial Review.

a. An appeal may be taken by any person aggrieved by an order of the Board, which has resulted in the denial, suspension, or revocation of a permit or the issuance of a permit or a conditional permit within the coastal area. Before such appeal will lie, written protest setting forth the basis of the appeal must be filed with the Board within thirty (30) days of final Board action.

b. After an appeal has been filed¹ as provided¹ for above, the Board may conduct such further inquiry into the matter as might be appropriate.

The appellant shall be given an opportunity to introduce testimony, both written and oral, to support the appeal to the Board. The Chairman of

the Board shall have wide discretion in the manner of conducting the appeal and shall be the sole judge as to the admissibility and sufficiency of the evidence.

c. If the Board denies an appeal as provided for above, the aggrieved party may appeal the order of the Board denying such appeal to the Circuit Court of the county in which the property affected by the order of the Board is located. If the court finds that the order appealed from is supported by substantial evidence, consistent with the public policy set forth in this Act, is not arbitrary or capricious and does not violate constitutional rights, it shall affirm the Board's order.

Section 12. Initiation of Actions. The State of Alabama at the request of the Board, a district attorney having jurisdiction, or a county attorney having jurisdiction may initiate an action against any person or persons believed to be in violation of the management program of the Board.

a. Jurisdiction and venue for judicial actions brought pursuant to this Act shall lie in any county or counties in which the alleged violation occurs or in which property affected by such violation is located.

b. Threatened or actual violations of this Act may be restrained by order of the Circuit Court of the county in which any affected area of the coastal area or any part thereof lies. Such suits shall be initiated as provided for above.

c. Nothing in this Act shall preclude other statutory or common law remedies by public or private parties against violators or non-violators of this Act.

Section 13. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. Authority of Board to Implement Coastal Area Office. The Board shall take the steps to implement Sec. 5-1 of this Act only after there has been appropriated by the Legislature of Alabama the sum of Forty Thousand Dollars (\$40,000.00) for the purposes of implementing the provisions of the Act, or in the alternative, the Board has acquired by gift, donation or bequest, or appropriation from county or municipal government or services in kind by another state agency or agencies, a sum equal to Forty Thousand Dollars (\$40,000.00).

Section 15. Repeal Section. All laws in conflict or inconsistent with the provisions of the Act are hereby repealed.

Section 16. Effective Date. This Act shall become effective from the date of its approval by the Governor or from the date it otherwise becomes law.

Which was adopted.

Yeas 17; Nays 1.

Yeas:

Messrs. Bank, Fine, Flipppo, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Powell, Roberts, Shelby, Stewart, Torbert, Vacca.

Nay: Mr. Jones.

—1

And said Bill, S. B. 517, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 1.

Yeas:

Messrs. Bank, Fine, Flipppo, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Roberts, Shelby, Stewart, Torbert, Vacca.

—16

Nay: Mr. Jones.

—1

UNFINISHED BUSINESS

RESOLUTION

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Resolution:

H. J. R. 312. RELATIVE TO ADJOURNMENT OF THE TWO HOUSES.

and pending Rules Committee substitute, which Resolution and substitute are set out at length in the Journal of the Senate for the Twenty-seventh Legislative Day.

On motion of Mr. Owen, further consideration of the Resolution, H. J. R. 312, and pending substitute, was indefinitely postponed.

BILLS ON THIRD READING RESUMED

The Bill:

S. 366. To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures, uniform records and establish qualifications of personnel under the program; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

was taken up.

Mr. Gilmore offered the following substitute for the Bill, S. B. 366, to-wit:

SUBSTITUTE FOR S. B. 366

A BILL TO BE ENTITLED AN ACT

To amend Section 5, Act 160, Third Special Session, 1971 Legislature, providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing

that the Department of Revenue establish such a program for uniformity of procedures, uniform records and establish qualifications of personnel under the program; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5, Act 160, Third Special Session, 1971 Legislature, is hereby amended to read as follows:

"The Department of Revenue shall prescribe for the counties the procedures to be followed, standards to be met, forms to be used, records to be kept and progress reports to be filed. The Department of Revenue shall also design a permanent uniform record system which shall be used by all counties for maintaining records of property ownership and property values. The Department, in accordance with duties and responsibilities imposed under the Act, shall implement and supervise a program to maintain current values of properties and a program to maintain ownership maps on a current basis in each of the several counties in the State. The Probate Judge of each county shall, on and after the adoption of this Act, furnish a copy of each deed, will, or other vesting instrument, plats and surveys, filed in his office to the tax assessor of his county who shall maintain such copies in his office for use in the mapping and appraisal program. The responsibilities, duties and procedures provided for in other Sections of the Act shall equally apply to the maintenance program required under this section. The Department shall require uniformity of procedures and records. All field personnel involved in classifying properties and inspecting properties for prime data to be entered on property record cards shall have not less than two (2) years experience in mass appraisal work. Subject to this requirement, the Department shall establish qualifications for personnel to be employed by the counties in the maintenance program. The county tax assessor with the approval of the County Commission and Department of Revenue may employ additional clerical personnel on a part or full-time basis to assist in maintaining on a current basis the records of property ownership, the records of property values and the property ownership maps required by this Section, provided, that in those counties which have established merit systems, such personnel shall be hired from the current certified list of applicants, unless such employees are employed on a temporary basis for less than 90 days duration. The county governing bodies, with the approval of the Department of Revenue, may from time to time employ or contract with qualified persons to update the appraisal and mapping program. Each county governing body shall recover the costs of the maintenance program required by this section. Each recipient of the taxes collected shall bear the prorata part of such costs that the amount received bears to the total received by all. Each county tax collector or any other official receiving and distributing ad valorem taxes shall withhold from the monies collected each year and pay over to the county governing body the amounts certified to him by such body as being the amounts due in accordance with this section from each agency in the county and from the State of Alabama."

Section 2. Title 51, Sections 66, 67, 68 and 69 and any other provision of law in conflict with provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Fine offered the following amendment to the substitute for the Bill, S. B. 366, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 366

On page 2, Section 1, lines 21, 22, and 23, omit the sentence, "Subject to this requirement, the Department shall establish qualifications for personnel to be employed by the counties in the maintenance program."

Also on page 2, Section 1, line 24, omit the words and phrases, "and Department of Revenue"

Also on page 2, lines 31 and 32, omit the words and phrases, " , with the approval of the Department of Revenue,"

Also on page 2, line 18, strike the word "me" and insert in lieu thereof the word:

personnel

which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 366, was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Edwards, Ellis, Fine, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—22

Nays:

—0

And said Bill, S. B. 366, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Gilmore, Jones, King, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Dial:

H. 1261. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled "An Act Relating to counties

having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance from a maximum of \$15,000 per annum to a maximum of \$20,000 per annum; to provide that such allowance shall be paid from any available funds and to provide that the provisions of this act shall be retroactive to October 1, 1973.

Also:

By Mr. Folmar:

H. 1281. Relating to all counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize the county commission to employ two clerks to assist the tax assessor, two clerks to assist the tax collector, one clerk to assist the probate judge and such additional part-time help as the county commission deems necessary, and to provide salaries for said employees.

Also:

By Mr. Folmar:

H. 1282. To provide that the county governing body is authorized and empowered to pay the employer's share of social security or F. I. C. A. payments on elected officials in all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

By Mr. McNees:

H. 1283. To amend further Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), which act, as amended, provides for a pistol permit fee and the distribution and use of the proceeds of such fee in counties having populations of not less than 16,245 nor more than 16,300 inhabitants according to the last or any subsequent federal decennial census, so as to provide further for the use of the proceeds of such fee, and to provide for retroactive effect to October 1, 1975.

Also:

By Mr. McNees:

H. 1284. Relating to counties having a population of not less than 16,245 nor more than 16,300 according to the 1970 or any subsequent federal decennial census; to create a county industrial development authority for the purpose of promoting industry and trade and the development of the county; to provide for the organization, powers, functions, duties and personnel of the authority and for the compensation of its employees; and to repeal conflicting laws.

Also:

By Mr. Rich:

H. 1293. To amend Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) so as to delete the maximum salary requirement of county superintendents of education in certain counties classified on a population basis.

Also:

By Mr. Albright:

H. 743. Applying to cities having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent decennial census, to provide that as to "restaurant" liquor licensees with premises located within said municipalities, the definition of the term "restaurant" as defined by Title 29, Section 1, Code of Alabama, 1940, as amended, for the purpose of licensing by the Alcoholic Beverage Control Board shall include, in addition to premises defined by said Title 29, Section 1, premises heretofore licensed by the Alcoholic Beverage Control Board for use by "club" licensees within said municipalities, irrespective of the fact that said premises does not have one thousand square feet of dining area, and irrespective of the fact that tables and chairs accommodating at least fifty persons are not provided, provided that said premises was so licensed for use by "club" licensees on September 19, 1975, and to provide for an effective date of this act.

Also:

By Mr. Riddick:

H. 1026. To provide that any city which may now or hereafter have a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent federal decennial census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of said Board.

Also:

By Mr. Lutz (with notice and proof):

H. 1174. To amend Act No. 453, H. 1033, Regular Session 1975 Legislature of Alabama, which changed the compensation of each member of the Madison County Board of Education.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1174, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1261, 1281, 1282, 1283, 1284, 1293, 743, 1026, and 1174. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 306. COMMENDING ANDREW PHILLIP CAMPBELL FOR A JOB WELL DONE FOR THE HOUSE JUDICIARY COMMITTEE.

Also:

H. J. R. 309. CONGRATULATING H. M. "LALLY" BATES UPON ELECTION AS PRESIDENT OF THE ALABAMA POST-MASTERS ASSOCIATION.

Also:

H. J. R. 314. COMMENDING THE DEDICATION, HARD WORK, AND UNLIMITED TIME SPENT IN OPENING AND OPERATING THE WEST ALABAMA GENERAL HOSPITAL IN NORTHPORT, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 42. Relating to products made by inmates of the Alabama Board of Corrections and the sale of such products to state institutions, departments and agencies and to political subdivisions; to authorize vocational training and rehabilitation of prisoners through work in industries at penal units under the said Board of Corrections; requiring state agencies to buy prison-made products when specifications of standards and quality are met; authorizing political subdivisions to buy directly from the Board of Corrections; prescribing the method for setting prices of prison-produced products; specifying kinds of additional information to be contained in post-audit reports of manufacturing enterprises within the prison system; authorizing an industrial revolving fund for financing prison industries, and prescribing the disposition of receipts therefrom; making it unlawful to sell prison-produced products on the open market, and specifying penalties therefor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been

publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 48. To exempt certain religious organizations from the payment of any tax levied upon the recordation of certain instruments of conveyance under Title 51, Section 618, Code of Alabama 1940, as amended.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 718. To provide for the conduct of elections in the State of Alabama, including reporting of and limitation on political contributions and expenditures, prohibiting specified acts in connection with elections, and providing for definitions of certain words and phrases used in the Act; to exclude from certain provisions of the Act candidates with respect to which expenditures aggregating less than \$1,000 are made; to provide for certain requirements in connection with the organization and operation of political committees including the officers thereof, the manner of receiving and holding contributions thereby, record keeping practices of such committees, retention of records, notice of unauthorized activities, designation by a candidate of a principal campaign committee, and the filing of reports with such principal campaign committee; to provide for the registration of political committees, the contents of registration statements, amendments to registration statements, notice in the event of disbanding of political committees and of certain other events, and the filing of reports by political committees other than principal campaign committees; to provide for reports of receipts and expenditures, including the deadline for the filing of such reports, the contents of such reports, the periods required to be covered by such reports, reporting of contributions or expenditures by persons other than a political committee or a candidate; to provide for preservation of copies of reports required under the Act, treatment of debts, pledges, etc. in reports, and to make provision for filing by registered or certified mail; to provide for reports by persons other than an individual or political committee; to authorize corporations to make political contributions to provide for campaign depositories, petty cash funds, and the mode and manner of making deposits to and withdrawals from such depositories and funds; to provide that the Secretary of State shall perform the administrative functions of this Act,

to provide for the manner of filing and hearing complaints of violations of the Act and of other election laws by the Secretary of State, to provide for remedies to be applied by the Secretary of State upon the finding of a violation of the provisions of the Act or of the election laws of the State, to provide for the calling of new elections in the event of certain violations of the Act and the manner of holding such elections, to provide for the time within which the Secretary of State must act in considering complaints brought under the provisions of the Act and for appeals from certain orders of the Secretary of State; to provide that the Governor shall provide legal advice to the Secretary of State and shall represent the Secretary of State in court proceedings; to provide certain limitations on contributions and expenditures of persons, firms, corporations, labor unions, political committees, candidates and others, to provide for the adjustment of limitations on expenditures based on the consumer price index; to provide for permissible use of contributed amounts remaining after payment of the campaign expenditures; to prohibit intimidation of voters, to declare intimidation of voters to be a criminal act, and to provide penalties therefor; to prohibit expenditures to influence voting a criminal act, and to provide penalties therefor; to prohibit promise of employment or other benefit for political activity a criminal act, and to provide for penalties therefor; to prohibit publication or distribution of political statements without identification of the persons sponsoring such statement, to declare publication or distribution of political statements without identification of the persons sponsoring such statements a crime, and to provide a penalty therefor; to prohibit fraudulent misrepresentation or campaign authority, to declare fraudulent misrepresentation of campaign authority a crime and to provide penalties therefor; to enumerate and define certain other practices at elections as corrupt practices; to repeal certain laws including Sections 268 to 286, inclusive, of Title 17 of the Code of Alabama of 1940, as amended, laws prohibiting private corporations from making campaign contributions, and all other laws in conflict with the provisions of the Act to the extent of such conflict; to declare that the provisions of the Act are severable and that a ruling that one portion of the Act is unconstitutional or invalid shall not affect the remaining portions of the Act; to provide for the effective date of the Act.

was taken up.

Mr. Stewart offered the following amendment to the Bill, S. B. 718, to-wit:

AMENDMENT TO S. B. 718

Amend Senate Bill No. 718 striking out Section 11 and renumbering the remaining sections accordingly.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca.

— 22

Nays:

— 0

Mr. McMillan offered the following amendment to the Bill, S. B. 718, as amended, to-wit:

AMENDMENT TO S. B. 718, AS AMENDED

Amend Senate Bill No. 718 Page 20 Line 26, by striking out 75,000 in Section 10A. (1) (a) and insert in lieu thereof the following:

\$125,000.00

Also amend S. B. 718 Page 20 Line 28, by striking out 40,000 in Section 10A. (1) (b) and insert in lieu thereof the following:

\$75,000.00

Also amend S. B. 718 Page 20 Line 35-36, by striking out parent, grandparent, brother or sister of the candidate,

Mr. Stewart moved that said amendment be laid on the table, which motion was lost.

Yeas 9; Nays 15.

Yeas:

Messrs. Baker, Edwards, Ellis, Gilmore, King, Little, Pearson, Stewart, Waldrop.

—9

Nays:

Messrs. Adams, Bank, Fine, Jones, Littleton, McDonald (A), McMillan, Mitchell, Owen, Perry, Powell, Roberts, St. John, Shelby, Wilson.

—15

And said amendment was then adopted by the Senate.

Yeas 15; Nays 3.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, McDonald (A), McMillan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Torbert.

—15

Nays: Messrs. Ellis, King, Pearson.

—3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Roberts, Drake and Cross (with notice and proof):

H. 712. Relating to Morgan County; to provide for the Morgan County Board of Education, its members, their districts, qualifications, election and removal from office; and repealing conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 712, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Malone (with notice and proof):

H. 161. Relating to Mobile County; to provide for a leave of absence for an indefinite period for teachers who are employees of the Mobile County School Board and who are full time representatives of teachers' organizations or unions, without loss of continuing service status, and providing for return of the teacher to his former position upon the teachers' ceasing to be such representative.

I hereby certify that this Notice & Proof is attached to the Bill H. B. 161, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Martin, Cross, Drake and Roberts:

H. 835. To authorize the county governing bodies of all counties having populations of not less than 75,000 nor more than 90,000, according to the 1970 or any subsequent federal decennial census, and the governing body of any municipality in any such county to enter into long-term contracts for the disposal of solid waste, garbage, ashes and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision of statutory limitation on debts of the county and the municipality.

Also:

By Messrs. Roberts and Martin:

H. 1093. Relating to the establishment, operation and funding of a juvenile facility in counties with populations of not less than 75,000 nor more than 90,000 according to the 1970 or any subsequent federal decennial census.

Also:

By Messrs. Roberts and Martin (with notice and proof):

H. 1094. Relating to Morgan County and to enable Morgan County to make contributions and to provide for liability insurance, to volunteer rural fire departments organized according to law in Morgan County, Alabama and to provide life and accident insurance to the members of such organizations.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1094, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Roberts and Martin (with notice and proof):

H. 1111. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Priceville, in Morgan County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1111, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 1213. To provide further for the operation of the board of registrars in Morgan County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1213, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Hill, Coburn and Greer (with notice and proof):

H. 1269. To amend Act No. 902, H. 1795, Regular Session 1975 (Acts 1975, p. 1779), relating to the licensure of the occupation of plumbing in Lauderdale County, so as to clarify some ambiguities concerning the scope of such act by providing that any person practicing the occupation of plumbing in any incorporated municipality or town in such county shall comply with both the county and applicable municipal requirements for licensure of plumbing.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1269, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Wyatt, Barron and Harris:

H. 1229. Relating to all counties having populations of not less than 150,000 nor greater than 180,000, according to the 1970 or any subsequent federal decennial census; authorizing the clerk of the family court in said counties to destroy certain files and records in all civil cases after a certain period of time and providing for an official record of said files and records; and to provide for a new indexing system in said court.

Also:

By Mr. Wyatt:

H. 1059. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any

subsequent federal decennial census; to provide for an increased expense allowance for members of the county commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 712, 161, 835, 1093, 1094, 1111, 1213, 1269, 1229, and 1059. To the Committee on Local Legislation No. 1.

RESOLUTIONS

Mr. Mims offered the following Senate Joint Resolution, to-wit:

S. J. R. 128. COMMENDING THE LOVELY MRS. ALBERT McDONALD ON ATTAINING NATIONAL RECOGNITION.

WHEREAS, the Alabama Legislature notes with much pride the national recognition attained by Mrs. Albert McDonald, the vivacious and lovely wife of our esteemed colleague, Senator Albert McDonald; and

WHEREAS, the FARM JOURNAL, the National Business Magazine of American Agriculture, which is received by many thousands of subscribers throughout the nation, featured the beautiful Shirley McDonald on the cover of its August, 1976 edition; and

WHEREAS, in its Farm Family Living article, "Agriculture Needs You" additional photographs of Shirley are displayed; and

WHEREAS, Shirley McDonald is cited by FARM JOURNAL for her outstanding work with the local Council for International Visitors which promotes King Cotton; and

WHEREAS, Shirley McDonald is a dedicated promoter of cotton fashions; and

WHEREAS, the Alabama Legislature feels that FARM JOURNAL could not have chosen a more attractive or representative Alabama lady to feature than Mrs. Albert McDonald; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature does heartily congratulate and commend Mrs. Albert McDonald for her outstanding work in promoting cotton and the national recognition which her efforts have earned for her.

BE IT FURTHER RESOLVED That the Alabama Legislature passes this resolution as a token of our esteem, admiration and appreciation for Mrs. Albert McDonald.

RESOLVED FURTHER, That copies of this resolution be presented to Mrs. Albert McDonald and Senator Albert McDonald.

On motion of Mr. Mims, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Baker offered the following Senate Resolution, to-wit:

S. R. 129. Be it resolved by the Senate of Alabama that no further motions, resolutions, bills or other business shall be considered until the conference committee report on the general fund budget is received by the Senate.

Which was read and referred to the Standing Committee on Rules.

BILL RE-REFERRED

Mr. Littleton moved that the Bill, H. B. 1108, be removed from the Standing Committee on Local Legislation No. 1 and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 1108, re-referred to the Standing Committee on Finance and Taxation.

REPORT FROM RULES

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 315. RELATIVE TO ADJOURNMENT OF THE TWO HOUSES.

The Standing Committee on Rules reported the following substitute for the Resolution, to-wit:

COMMITTEE SUBSTITUTE FOR H. J. R. 315

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when both houses adjourn today they adjourn to meet again on Tuesday, August 10, 1976, and when they adjourn on Tuesday, August 10, 1976, both houses shall adjourn to meet again on Monday, August 16, 1976, and when they adjourn on Monday, August 16, 1976, they shall adjourn sine die. All previous resolutions concerning meeting days of the Legislature are hereby specifically repealed and revoked.

Which was adopted.

And on motion of Mr. Owen, said Resolution, H. J. R. 315, as thus amended, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 718

The Senate proceeded to further consideration of the Bill, S. B. 718, as amended.

And said Bill, S. B. 718, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 3.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Powell, Shelby, Stewart, Torbert, Vacca, Wilson.

—22

Nays: Messrs. Jones, McMillan, Pearson.

—3

Mr. Fine moved that the Senate reconsider the vote by which the Bill, S. B. 718, as amended, was passed, and further moved that the motion to reconsider be laid on the table; the motion to table prevailed.

POINT OF PERSONAL PRIVILEGE

Mr. King requested and received unanimous consent that the Journal show that his "Aye" vote on final passage of the Bill, S. B. 718, as amended, was cast for the sole purpose of an attempt to reconsider final passage of said Bill.

POINT OF PERSONAL PRIVILEGE

Mr. Perloff stated that, had he been present in the Senate Chamber when the Bill, S. B. 718, as amended, was passed, he would have voted "Aye".

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Greer, Hill and Coburn (with notice and proof):

H. 1270. To alter, rearrange and extend the boundary lines and corporate limits of the City of St. Florian in Lauderdale County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1270, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Coburn, Hill and Greer (with notice and proof):

H. 1271. Relating to Lauderdale County; amending Section 1 of Act No. 462, H. 1170 of the 1975 Regular Session (Acts 1975, Vol. II, p. 1088) so as to set the salary of the clerk of the jury commission who inadvertently was omitted from said Act; making such salary retroactive to March 1, 1975.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1271, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Starkey and Lutz (with notice and proof):

H. 1272. To require Jackson County to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1272, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Williams and Sasser (with notice and proof):

H. 1273. To amend Section 2 of Act No. 74, H. 39 of the Special Session of 1967 (Acts 1967, p. 105), as amended, entitled "An Act To apply only in Dale County; creating a board of jury supervisors in lieu of the jury commission; providing for the transfer of the power, authority, duties and jurisdiction of the jury commission to said board, and abolishing the commission; providing for the organization of the board and the times of its meetings; providing for the appointment of the members and a clerk for said board and prescribing their terms, duties and compensation," so as to decrease the membership of this board.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1273, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Martin, Roberts and Cross:

H. 1274. Relating to counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide the county commission with authority to employ or contract for appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Also:

By Messrs. Waggoner, Moore (O) and Smith (C):

H. 1287. To amend Section 1 of Act No. 191, H. 525, Regular Session of 1971, (Acts 1971, Vol. I, p. 486); providing additional expense allowance for each circuit judge of all judicial circuits composed of three (3) counties with two (2) circuit judges having a total population of not less than 60,000 and not more than 70,000 according to the 1970 or any subsequent federal decennial census.

Also:

By Messrs. Waggoner, Moore (O) and Smith (C) (with notice and proof):

H. 1288. To amend Section 1 of Act No. 37, H. 66 Organizational, Special and Regular Sessions 1971 (Acts 1971, p. 4170) as amended which

applies in Shelby County, designating the number of employees authorized by the sheriff's department, compensation of such employees, and sheriff and residence requirements of such employees, and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1288, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Kelley and Mitchem:

H. 1289. To provide a uniform allowance for all employees of the sheriff's office in those counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide retroactive effect for said act.

Also:

By Messrs. Mitchem and Kelley:

H. 1290. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; authorizing the sheriff of any such county to appoint certain additional employees and providing for their compensation.

Also:

By Messrs. Hines and Warren (with notice and proof):

H. 1294. To provide an annual expense allowance for the coroner and deputy coroner of Escambia County to be funded from the general fund of Escambia County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1294, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Owens:

H. 355. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses, exempting non-residents under the age of sixteen (16) from having to purchase hunting licenses.

Also:

By Mr. Owens:

H. 356. To amend Sections 39, 40 and 41 of Title 8, Code of Alabama 1940, as amended, pertaining to non-resident annual and trip fishing licenses, and the penalty for fishing without a license.

Also:

By Mr. Reed:

H. 778. To provide a scholarship program to promote the education of nurses at the school of nursing of Tuskegee Institute; to make an appropriation for Tuskegee Institute, Jefferson State Junior College, Gadsden State Junior College, Northwest Alabama Junior College, George C. Wallace Junior College at Dothan, Chattahoochee Valley Community College, George C. Wallace Community College at Selma and Lurleen B. Wallace Junior College.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1270, 1271, 1272, 1273, 1274, 1287, 1288, 1289, 1290, and 1294. To the Committee on Local Legislation No. 1.

H. B.'s 355 and 356. To the Committee on Conservation.

H. B. 778. To the Committee on Finance and Taxation.

RESOLUTION

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 130. DESIGNATING THE GYMNASIUM AT FALKVILLE HIGH SCHOOL THE TOM DRAKE GYMNASIUM.

WHEREAS the citizens of Falkville and neighboring areas of South Morgan and East Cullman Counties have been well represented in the State Legislature by Representative Tom Drake for the past fourteen years, benefiting from his dedicated hard work and shrewd political acumen; and

WHEREAS this friendly and outgoing man of the people has shown the uncommon ability to excel in many areas at once, simultaneously and very successfully carrying on careers as public servant, lawyer and professional athlete; and

WHEREAS Tom Drake's indomitable spirit and keen perception have served him well in each of his chosen fields, as shown by his position as chairman of the powerful Rules committee of the House of Representatives, his successful law practice in Cullman, and his many honors won for athletic prowess, both as college wrestler and little All-American football player at Chattanooga, as a national olympic wrestling finalist in 1954, as a coach at the University of Alabama under Athletic Director Paul "Bear" Bryant, and as a popular professional wrestler; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with every confidence that with this naming of their home court the Falkville Blue Devils will become heir to the fighting spirit and will to excel of Tom Drake, we hereby designate the Gymnasium at Falkville High School the "Tom Drake Gymnasium."

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 594. To validate the incorporation of public corporations attempted to be organized pursuant to Act No. 29, H. 44 of the 1970 Special Session (Acts 1970, Vol. III, p. 2630), where such attempts at incorporation fail because of procedural irregularity.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Jones, King, Little, McDonald (A), Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—23

Nays:

—0

RECESS

At 4 o'clock P.M., on motion of Mr. Shelby, the Senate took a recess until 4:30 P.M. this afternoon.

AFTERNOON SESSION

TWENTY-EIGHTH LEGISLATIVE DAY

THURSDAY, AUGUST 5, 1976

The Senate re-assembled in the Senate Chamber and was called to order by Lieutenant Governor Beasley.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 315. RELATIVE TO ADJOURNMENT.

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 325. CREATING A JOINT INTERIM COMMITTEE TO
STUDY LAW ENFORCEMENT AGENCIES OF THE DEPARTMENT
OF CONSERVATION AND NATURAL RESOURCES.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 325, to-wit:

COMMITTEE SUBSTITUTE FOR H. J. R. 325

H. J. R. 325. CREATING A JOINT INTERIM COMMITTEE TO
STUDY LAW ENFORCEMENT AGENCIES OF THE DEPARTMENT
OF CONSERVATION AND NATURAL RESOURCES.

WHEREAS, the Governor's Cost Control Survey filed a report in August, 1972, recommending that all the law enforcement personnel of the Department of Conservation and Natural Resources be consolidated into a single separate law enforcement division within the department at an annual savings to the taxpayer of \$350,000.00 per year; and

WHEREAS, there have been several bills introduced in the legislature dealing with this serious problem and to prevent this waste of public funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim committee known as the Joint Interim Committee to study law enforcement agencies of the Department of Conservation and Natural Resources be established as hereinafter provided. The committee shall study the various law enforcement agencies of the Department and shall report its findings and suggestions concerning consolidation of such law enforcement agencies to the legislature by the second legislative day of the regular session 1977.

The committee shall be composed of seven members, three appointed from the Senate by the presiding officer thereof and three appointed from the House of Representatives by the presiding officer thereof, the seventh member shall be the first person to volunteer to serve on said committee who meets these qualifications, viz: he shall be a man of considerable experience in conservation matters, shall be a former member of the legislature who has served on the conservation committee of a house of the legislature and shall have been a member of the State Conservation Advisory Committee; said seventh member shall serve without pay or compensation.

The committee members shall be paid the same per diem and travel expenses which they receive as members of the legislature for their attendance at meetings of the committee.

The committee shall have full legislative subpoena powers to subpoena witnesses and documents before the committee.

Which was adopted.

And on motion of Mr. Fine, said Resolution, H. J. R. 325, as thus amended, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning the confirmation of gubernatorial appointments.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 5th day of August, 1976.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have heretofore submitted to you for confirmation, advice and consent, the name of Henry Gray, whom I have appointed as a Brigadier General in the Alabama National Guard. Additionally, I have, by separate messages, transmitted to you for confirmation several other appointments requiring your consideration. Those messages are now pending in the Committee on Rules.

As most of you know, General Gray is a distinguished officer in the Alabama National Guard who is fully qualified in all military respects. He is one of the very few officers in the Guard to have graduated from the U. S. Army War College. His entire military career has been a shining example for others to follow; and above all, his personal honor and integrity are beyond reproach.

With the very few days left in this session, I respectfully ask that you take a few minutes of your time to favorably consider and give your confirmation, advice, and consent to my appointment of Henry Gray to the rank of Brigadier General in the Alabama National Guard. And further, that you do likewise to the other gubernatorial appointments previously sent to you.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of Honorable Henry Gray to the rank of Brigadier General, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Roberts:

H. J. R. 327. DESIGNATING THE GYMNASIUM AT FALKVILLE HIGH SCHOOL THE TOM DRAKE GYMNASIUM.

WHEREAS the citizens of Falkville and neighboring areas of South Morgan and East Cullman Counties have been well represented in the State Legislature by Representative Tom Drake for the past fourteen years, benefiting from his dedicated hard work and shrewd political acumen; and

WHEREAS this friendly and outgoing man of the people has shown the uncommon ability to excel in many areas at once, simultaneously and very successfully carrying on careers as public servant, lawyer and professional athlete; and

WHEREAS Tom Drake's indomitable spirit and keen perception have served him well in each of his chosen fields, as shown by his position as chairman of the powerful Rules committee of the House of Representatives, his successful law practice in Cullman, and his many honors won for athletic prowess, both as college wrestler and little All-American football player at Chattanooga, as a national olympic wrestling finalist in 1952, as a coach at the University of Alabama under Athletic Director Paul "Bear" Bryant, and as a popular professional wrestler; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, with every confidence that with this naming of their home court the Falkville Blue Devils will become heir to the fighting spirit and will to excel of Tom Drake, we hereby designate the Gymnasium at Falkville High School the "Tom Drake Gymnasium."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Edwards, the Rules were suspended and the Resolution, H. J. R. 327, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 5th day of August 1976.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

As this session of the Legislature draws to a close, I again respectfully direct your attention to the measure now pending on your special order calendar which authorizes the bond issue to fund the Tennessee-Tombigbee Waterway Development Project. In my judgment, this matter is most urgent and deserves your immediate attention. This is one of the most important issues that you have faced in this entire session and your failure to enact this legislation would, in my opinion, be catastrophic.

As you know, the proceeds from this bond issue will be expended to meet Alabama's obligation to relocate certain bridges and access roads. This is a small price to pay for the enormous benefits to be received in the form of new industry, jobs, and increased revenues flowing therefrom. Every Alabamian, either directly or indirectly, will benefit from this immense economic investment. Our unemployment rolls will be diminished largely by the creation of new jobs, both in construction and in permanent businesses. Vast amounts of new capital investment will be attracted to our State and the tax base to support local and State Government, as well as the school systems, will be enhanced manifold.

I sincerely and respectfully urge you to give quick and favorable consideration to this measure so that we can be sure the State's requirements on this project will be met before the waterway and landscape changes occur in 1978.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 324. CONGRATULATING THE SHELBY COUNTY REPORTER UPON RECEIVING AWARDS FROM THE ALABAMA PRESS ASSOCIATION.

Also:

H. J. R. 323. CONGRATULATING THE SHELBY NEWS-MONITOR UPON RECEIVING THE MOST IMPROVED AWARD FROM THE ALABAMA PRESS ASSOCIATION.

Also:

H. J. R. 319. COMPLIMENTING MISS DENISE DAVIS UPON BEING CHOSEN MISS ALABAMA 1976.

Also:

H. J. R. 311. COMMENDING CECIL H. STRAWBRIDGE ON HIS RETIREMENT.

Also:

H. J. R. 310. COMMENDING EUGENE H. STARNES UPON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 315. Relative to the adjournment of the two Houses.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing

House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 370. To amend further Code of Alabama 1940, Title 51, Section 2, as amended, so as to provide for the exemption from ad valorem taxation of all improvements to real estate designed and installed for the specific purpose of providing solar energy for heating, cooling and all other applications.

was taken up.

Mr. McDonald (A) offered the following amendment to the Bill, S. B. 370, to-wit:

AMENDMENT TO S. B. 370

Amend S. B. 370 Section 2, Subsection u, page 6, line 29 by striking the words "real estate" and inserting in lieu thereof the words "residential property".

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, St. John, Stewart, Torbert, Waldrop, Wilson.

—21

Nays:

—0

And said Bill, S. B. 370, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

S. 432. To amend further Section 94 of Title 51 of the Code of Alabama 1940, as amended, relating to the term of service and compensation of the members of the boards of equalization in the several counties, so as to change the year basis for determining the term of service and compensation of said members.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Flippo, King, Littleton, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca.

—18

Nay: Mr. Baker.

—1

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 83. NAMING ALABAMA HIGHWAY 59 FROM URIAH TO BAY MINETTE THE "FORT MIMS HIGHWAY."

Also:

S. J. R. 101. DECLARING AUGUST 21 "LEON DOUGLAS DAY".

Also:

S. J. R. 105. DESIGNATING PORTION OF U.S. 431 AS CHEAHA STATE PARK DRIVE.

OBIE J. LITTLETON,
Vice Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 529. To authorize each municipality in this state to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that in which a municipality es-

tablishing the same shall be situated; to provide that all authority heretofore and hereinafter granted to municipalities with respect to parks, playgrounds and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground or recreational or athletic area located wholly or in part outside its corporate limits; to provide that a municipality may join and cooperate with one or more municipalities in acquiring, financing, refinancing, providing, establishing, installing, using and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and making rules and regulations for the conduct, management and use thereof; that all municipalities shall jointly have the same powers and authorities conferred by the act upon each; to authorize governing bodies of two or more municipalities to establish jointly an authority as a public corporation for the purposes of acquiring, financing, refinancing, providing, establishing, installing, using or managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities or in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof; to provide that neither the act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the state and that the act shall be construed as cumulative of any power; to declare conflicting laws inapplicable; to declare that the provisions of this act are severable; and to provide the effective date of this act.

was taken up.

The Standing Committee on Local Government reported the following amendment to the Bill, S. B. 529, to-wit:

COMMITTEE AMENDMENT TO S. B. 529

Amend Senate Bill 529, page 4, line 105, by deleting "(which need not be published or posted)" and insert "(such resolution shall be published or posted in a publicly accessible place prior to the execution of said resolution)"

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Pearson, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

— 22

Nays:

— 0

And said Bill, S. B. 529, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, King, Little,

Littleton, McDonald (A), McMillan, Mims, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—23

Nays:

—0

The Bill:

S. 534. To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation warrants and refunding warrants of the participating governmental units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the state, including those respecting usury, competitive bids and financial control, and to declare the provisions hereof severable.

was taken up.

The Standing Committee on Local Government reported the following amendment to the Bill, S. B. 534, to-wit:

COMMITTEE AMENDMENT TO S. B. 534

Page 5, line 18, delete subsection "(d)" and insert new subsection "(d)" to read as follows: "such resolution shall be published or posted in a publicly accessible place prior to the execution of said resolution."

On motion of Mr. Stewart, said amendment was laid on the table.

Mr. Stewart offered the following amendment to the Bill, S. B. 534, to-wit:

AMENDMENT TO S. B. 534

Amend Senate Bill 534, Page 5, line 18 delete subsection "(d)" and insert the following "Such Resolution shall be published in a newspaper of general circulation in the county affected for three successive weeks and posted in a publicly accessible place for three successive weeks prior to the execution of said resolution."

Further amend said Bill by deleting Section 10 on page 8 and renumbering the remaining sections accordingly.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—21

Nays:

—0

And said Bill, S. B. 534, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Flippo, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Powell, Roberts, St. John, Stewart, Torbert.

— 18

Nays:

— 0

The Bill:

S. 419. To amend Sections 2 and 4 of Act No. 871, S. 795, 1975 Regular Session (Acts 1975, p. 1714) an act which provides for protection for the Governor and certain other State officials and distinguished visitors to the State by the State Department of Public Safety, so as to add the Chief Justice of the Supreme Court of Alabama to the designated officials to be protected.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Vacca.

— 21

Nays:

— 0

The Bill:

S. 354. To license and regulate under the provisions of this Act grain dealers engaged in the business of purchasing grain.

was taken up.

The Standing Committee on Agriculture reported the following substitute for the Bill, S. B. 354, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 354

A BILL TO BE ENTITLED AN ACT

To license and regulate under the provisions of this Act grain dealers engaged in the business of purchasing grain.

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this Act, unless the context otherwise requires, the term:

“Producer” means the owner, tenant, or operator of land in this state who has interest in and who receives all or any part of the proceeds from the sale of the grain produced thereon.

"Person" means any person, firm, association, corporation or partnership.

"Grain" means corn, wheat, oats, rye, soybeans, barley, grain sorghums, or other commodities commonly referred to as grain.

"Grain dealer" means any person owning, controlling or operating a grain elevator, mill, warehouse or other similar structure or a truck or tractor trailer unit, or both, and engaged in the business of buying or receiving grain from producers for resale, for storage, or for milling or processing or any person commonly referred to as a "grain broker" engaged in the business of buying grain for resale or for milling or processing or soliciting the sale, purchase, exchange or transfer of any grain purchased from the producer thereof, who does not own, control or operate a grain elevator, mill, warehouse or other similar structure or truck or tractor trailer unit used in connection with his grain business. (A producer of grain buying grain for his own use as seed or feed or dealers or processors of seed shall not be considered as being engaged in the business of buying grain for resale or for milling or processing.)

"Commissioner" means the Commissioner of Agriculture and Industries of the State of Alabama.

Section 2. No person shall engage in business as a grain dealer in the State of Alabama without a license therefor issued by the Commissioner. Application for a license to engage in business as a grain dealer shall be filed with the Commissioner and shall be on a form prescribed and furnished by the Commissioner. Such application shall set forth the name of the applicant, the principal officers if the applicant is a corporation or the active members of a partnership, the location of the principal office or place of business of the applicant and the location or locations in this State at which the applicant proposes to engage in business as a grain dealer, the kind of grain which the applicant proposes to handle, the type of business which the applicant proposes to conduct and such additional information as the Commissioner by regulation may require.

The application for an initial license may be filed at any time prior to beginning business as a grain dealer. The license shall be renewed annually on or before July 1.

The application for a license to operate as a grain dealer as defined in this Act, or a renewal thereof, shall be accompanied by a filing fee determined by the amount of grain storage capacity. The following formula shall be used to determine the filing fee:

500,000 bushels or less storage capacity \$25 each separate location

Over 500,000 bushels storage capacity \$50 each separate location

A person with no storage capacity is required to pay the \$25 filing fee. All license fees collected hereunder shall be deposited into the State Treasury to the credit of the Agricultural fund.

Section 3. Every person licensed as a grain dealer shall have filed with the Department a surety bond signed by the dealer as principal and by a responsible company authorized to execute surety bonds within the State of Alabama. Such bond shall be in the principal amount to the nearest \$1,000 which is based on the amount of grain storage schedule as provided herein:

Amount of Grain Storage Capacity	Bond Requirement
150,000 bushels or less	\$ 25,000
151,000 bushels—200,000	35,000
201,000 bushels—250,000	45,000
251,000 bushels—300,000	55,000
301,000 bushels—350,000	65,000
351,000 bushels—400,000	75,000
401,000 bushels—450,000	85,000
451,000 bushels—500,000	95,000
500,000 bushels—and over	100,000

Provided, that in any case the amount of the bond shall not be less than \$25,000 or more than \$100,000 for any "Person". Provided further these bond requirements will be waived upon proof to the Commissioner, such "Person" is licensed under the United States Department of Agriculture Warehouse Act.

Section 4. Such bond shall be made payable to the State of Alabama as obligee, with the Commissioner as trustee, and shall be conditioned on the grain dealer and his compliance with this Act, and shall be for the use and benefit of the producer from whom the grain dealer may purchase grain and who is not paid by such grain dealer, and shall not be canceled during the period for which the license is issued, except upon at least 60 days notice in writing to the Commissioner. In no such event shall the total aggregate liability of surety exceed the face amount of its bond.

Section 5. Before a license shall be issued to the Applicant, he shall file with the Commissioner a certificate which shall indicate that he has a fire and extended coverage insurance policy in effect and in an amount that shall cover the grain of all depositors while in his custody for the full insurance values against loss or damage by fire, lightning, tornado, cyclones, explosions, windstorms, and such other perils as may be required by statute or the Commissioner.

The name and address of the operator and location of each "Person" in the insurance policy shall correspond with the same in the application.

Every fire and extended coverage insurance policy so filed shall contain a provision that it may not be canceled by the principal or insurance company, except on 90 days prior notice in writing, by certified mail, to the Commissioner mailed on the same day to the principal. The cancellation shall not affect the liability accrued or which may accrue under such insurance policy before the expiration of the 90 days. The notice shall contain the termination date.

The "Grain Dealer" shall immediately notify all depositors of grain when there is a notice of cancellation of his fire and extended coverage insurance policy.

Section 6. Failure of a grain dealer to file a bond and insurance as hereinafter required to keep such bond and insurance in force shall be grounds for the suspension or revocation of a license issued under this Act.

Section 7. When the Commissioner has determined that a grain dealer has defaulted in payment for grain which he has purchased, the Commissioner shall determine through appropriate procedures the producers and the amount of defaulted payment and as trustees of the bond shall immediately after such determination to those who should receive the benefits. Should the defaulted amount be less than the principal amount of the bond or bonds then the surety shall be obligated to pay only the amount of the default.

Section 8. If the Commissioner is satisfied that the applicant is of good business reputation and if the bond filed by the applicant is approved, the Commissioner shall issue a license to the applicant or shall renew the applicant's license.

Each person issued a license by the Commissioner under this Section shall post such license in the principal office of the grain dealer in this State. A certificate shall be posted in each location where the licensee engages in the business of buying grain in the State of Alabama. Upon request by the licensee and a payment of \$10 fee therefor, the Commissioner shall issue to the licensee a certificate that a license has been issued or renewed and a bond filed as required by this Act.

Section 9. The Commissioner, through his employees, may inspect the premises used by any grain dealer in the conduct of his business at any time and the books, accounts, records, and papers of every such grain dealer shall at all times during business hours be subject to inspection by the Department. Each grain dealer may also be required to make such reports of his activities, obligations and transactions as deemed necessary by the Commissioner as set forth in the rules and regulations.

Section 10. The Commissioner may, upon his own motion or upon the verified complaint in writing of any producer setting forth facts which if proved would constitute grounds for refusal, suspension or revocation of a license under this Act, investigate the actions of any applicant or any person or persons applying for, holding or claiming to hold a license, and upon 10 days written notice the Commissioner may suspend the license of the grain dealer.

Section 11. The Commissioner within 10 days after investigation of a complaint as provided for in Section 10 or before refusing to issue or renew or before otherwise suspending or revoking a license shall set a date for a hearing thereon and at least 10 days prior to the date set for the hearing, shall notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license and shall afford the respondent opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by personal service on the respondent or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last application or notification to the Commissioner.

Section 12. At the time and place fixed in the notice the Commissioner shall proceed to hear the matter and any charges made and both the respondent and any complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the matter or charges or to any defense thereto. The Department may continue such hearing from time to time.

Section 13. The Commissioner is authorized to issue subpoenas and to bring before the Department any person or persons in the State and to take testimony either orally or by deposition or by exhibit with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings and civil cases in the circuit courts of the State. The Commissioner is authorized to issue subpoenas duces tecum on any or all records relating to the alleged injurious transactions. The Commissioner or his designee may administer oaths to witnesses at any hearing which the Department is authorized by law to conduct.

Section 14. If a grain dealer should fail or refuse to make payment to a producer for grain purchased upon delivery or in accordance with the agreement of sale, the producer may notify the Commissioner in writing, by certified mail when possible, of such failure or refusal. The producer furnishing such written notice is entitled to any benefits of the grain dealer's bond. However, if the producer fails to furnish written notice to the Commissioner, then such producer is not entitled to any benefits under the grain dealer's bond.

Section 15. The Commissioner, with the approval of the State Board of Agriculture and Industries, is authorized to promulgate such rules and regulations necessary to carry the intent and purpose of this Act.

Section 16. Any person who engaged in business as a grain dealer without securing a license or who does not have a valid license or is in violation of this Act or the rules and regulations promulgated thereunder or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent the Commissioner or his duly authorized agent in performance of his duty in connection with this Act or its rules and regulations or any grain dealer who refuses to permit inspection of his premises, books, accounts or records as provided in this Act shall, upon conviction thereof, be guilty of a misdemeanor and upon conviction be punished by a fine of not less than \$100 nor more than \$500 for the first violation. In case of a continuing violation or violations, each day and each violation constitute a separate and distinct offense and upon conviction therefore, the person shall be, in discretion of the court, punished by six months in prison.

Section 17. It shall be the duty of each District Attorney or his deputy or assistant to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted. Before the commissioner reports a violation for prosecution he may give the grain dealer an opportunity to present his views at an informal hearing.

Section 18. The commissioner may apply for and the circuit court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rules and regulations promulgated under this Act notwithstanding the existence of other remedies at law. Any such injunction is to be issued without bond.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. Persons licensed under the provisions of this Act are authorized to issue negotiable and non-negotiable warehouse receipts for commodities covered under this Act provided they are operating an approved warehouse as now provided for by law and further that they are exempt from the bonding requirement of such act.

Section 21. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 22. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. (Beginning July 1, 1976.)

Mr. Mims offered the following amendment to the substitute for the Bill, S. B. 354, to-wit:

**AMENDMENT TO AGRICULTURE COMMITTEE
SUBSTITUTE FOR SENATE BILL 354**

Amend the substitute for Senate Bill 354 by adding to section 1, page 2, beginning on line 7 the following new paragraph:

“The provisions of this act shall not apply to persons who buy for cash; that is, those who pay producers at the time of purchase in United States currency or check or their equivalent.”

Which was adopted.

Mr. Edwards offered the following amendment to the substitute, S. B. 354, as amended, to-wit:

**AMENDMENT TO SUBSTITUTE FOR S. B. 354,
AS AMENDED**

Amend Agriculture Committee Substitute for Senate Bill No. 354 Page 2 Line 6½, by inserting “, for storage” after the words “for resale”

Which was adopted.

And said Substitute, as thus amended, for the Bill, S. B. 354, was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Pearson, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—22

Nays:

—0

And said Bill, S. B. 354, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Pearson, St. John, Shelby, Vacca, Wilson.

—20

Nays:

—0

The Bill:

S. 120. To regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

was taken up.

On motion of Mr. Powell, consideration of the Bill, S. B. 120, was postponed until the next Legislative Day as Unfinished Business.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment of a Brigadier General.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 5th day of August 1976.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Addison O. Logan as Brigadier General to serve as Commander of the 117th Tactical Reconnaissance Wing, Alabama Air National Guard.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 5th day of August 1976.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of the Hon. Addison O. Logan to the rank of Brigadier General, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 618. To amend the provisions relating to the issuance of limited certificates of qualification issued by the State Board of Medical Examiners to provide that annual expiration of certificates of qualification issued to teaching physicians shall not apply to such certificates issued prior to May 2, 1975.

was taken up.

The Standing Committee on Rules reported the following substitute for the Bill, S. B. 618, to-wit:

COMMITTEE SUBSTITUTE FOR S. 618

A BILL
TO BE ENTITLED
AN ACT

To amend Section 269 of Title 46, Code of Alabama 1940, as amended, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. That Section 269 of Title 46, Code of Alabama 1940, as amended, be and the same is hereby amended to read as follows:

Section 269. Certain certificates issued without examination. The state board of medical examiners may issue in behalf of a commissioned officer of the medical corps of the army, the navy, the air force, or the public health service of the United States a certificate of qualification without examination, provided that such commissioned officer presents to said board a commission or other satisfactory evidence showing that he is such medical officer; but upon the face of the certificate so issued it shall appear that the certificate was issued pro forma and without examination. Provided, however, that upon the release from active service of any physician to whom a certificate of qualification is issued under this subsection, such certificate shall automatically expire without notice. Physicians to whom a certificate is issued under this subsection shall be required to pay to the Board of Medical Examiners the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity.

(b) The state board of medical examiners may in its discretion and subject to rules and regulations promulgated by said board issue a certificate of qualification without examination in behalf of full time employed physicians teaching in the Medical College of Alabama, or any other medical college in Alabama, approved by the Association of American Medical Colleges or said board. The dean of the medical college located in this state shall be required to annually certify to the board the names of members of the college's faculty who have not had issued in their behalf a certificate of qualification by said board and who in the opinion of said dean possess such qualifications as the board has or may prescribe including qualifications in the basic sciences, medical education and other qualifications. The dean in submitting said certificate of qualifications shall submit in addition to the certificate and other information required a dossier on said applicant to include the following: Name, residence of birth, all places of residence, race, religious beliefs, any convictions of any crimes, education showing institution degrees medical training degrees and experience, internships by years and place, any other honorary degrees or recognitions. The dean shall include any other remarks appropriate. The statement shall be signed by the said applicant under oath. The dean shall verify said records including the last statement upon "information and belief." Said record shall be public records and shall be submitted to the

board and kept as permanent records for the use of the board and for public inspection for due cause. If the said board concurs in the opinion of said dean the board may waive any requirement of examination, or citizenship, but such teacher applicants must be at least twenty-one years of age and of good moral character. Physicians having certificates issued hereunder must limit their practice to the confines of the medical center of which the medical college is a part, and as an adjunct to their teaching functions in such college. Certification will be automatically withdrawn and automatically expires without notice when full time employment is terminated. The state board of medical examiners shall make such rules and regulations as it considers necessary to carry out the purpose of this section. Certificates issued hereunder and licenses based thereon shall state on their face that such practice is limited to the confines of a particular medical center of which a certain medical college is a part and are issued pro forma without examination. Teaching physicians in whose behalf a certificate of qualification is issued hereunder shall be subject to having his certificate of qualification suspended or revoked by said board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Such teaching physicians may apply to the Board of Medical Examiners to renew their certificates of qualification, but the Board shall have full discretion to accept or reject the application for renewal. Teaching physicians to whom a certificate is issued under this subsection shall be required to pay the Board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity. Fees charged by the Board for renewal of certificates issued under this subsection shall not exceed fifteen dollars. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the medical center in which he is employed and any such practice or attempt to practice medicine outside the confines of said medical center shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

(c) The State Board of Medical Examiners may in its discretion and subject to rules and regulations promulgated by said Board issue a certificate of qualification without examination in behalf of any physician employed full time at any state penal institution or any state mental institution or any other state institution approved by the Board of Medical Examiners. Physicians having certificates issued hereunder must limit their practice to the confines of the institution in which they are employed. Certification will be automatically withdrawn and automatically expires without notice when full time employment is terminated. The State Board of Medical Examiners shall make such rules and regulations as it considers necessary to carry out the purpose of this Section. Certificates issued hereunder and licenses based thereon shall state on their face that such practice is limited to the confines of a state institution and are issued pro forma without examination. Physicians in whose behalf a certificate of qualification is issued hereunder shall be subject to having his certificate of qualification suspended or revoked by said Board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Such physicians may apply to the Board of Medical Examiners to renew their certificate of qualification, but the Board shall have full discretion to accept or reject the application for renewal.

Physicians to whom a certificate is issued under this subsection shall be required to pay the Board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity. Fees charged by the Board for renewal of certificates issued under this subsection shall not exceed fifteen dollars. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the institution in which he is employed and any such practice or attempt to practice medicine outside the confines of said institution shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

(d) The state board of medical examiners may in its discretion and subject to rules and regulations promulgated by said board issue a certificate of qualification without examination in behalf of physicians enrolled in a residency training program approved by the board. The board shall also have the authority to require such verification and certification as it deems necessary to insure that the applicant is qualified for a certificate of qualification. Physicians having certificates issued hereunder must limit their practice to the confines of the institution in which they are placed pursuant to their training program. Certification will be automatically withdrawn and automatically expires without notice when the physician is no longer enrolled in the training program. The state board of medical examiners shall promulgate such rules and regulations as it considers necessary to carry out the intent of this subsection. Certificates issued hereunder and licenses based thereon shall state on their faces that such practice is limited to the confines of the institution in which the physician is placed pursuant to his training program and shall specifically name that institution. Certificates issued hereunder and licenses based thereon shall also state on their faces that they are issued pro forma without examination. Any physician in whose behalf a certificate of qualification is issued hereunder shall be subject to having his certificate of qualification suspended or revoked by said board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Such physicians may apply to the board of medical examiners to renew their certificates of qualification, but the board shall have full discretion to accept or reject the application for renewal. Physicians to whom a certificate is issued under this subsection shall be required to pay the board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity. Fees charged by the board for renewal of certificates issued under this subsection shall not exceed fifteen dollars. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the institution in which he is placed pursuant to his training program and any such practice or attempt to practice medicine outside the confines of said institution shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

Section 2. Effective date—This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. Repeal—All laws or parts of laws which conflict with this act are, to the extent of such conflict, hereby repealed.

Section 4. Severability—The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Roberts, Shelby, Vacca, Waldrop.

—18

Nays:

—0

And said Bill, S. B. 618, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Noonan, Owen, Pearson, Perloff, Roberts, Vacca, Wilson.

—19

Nays:

—0

The Bill:

S. 347. To provide for a student member on the boards of trustees of all state universities and on the advisory committees of all junior colleges.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—26

Nays:

—0

Mr. Edwards requested and received unanimous consent to have his name added as co-sponsor of the above Bill.

The Bill:

S. 348. To propose an amendment to the Constitution of Alabama to provide for a student member on the boards of trustees of Auburn University and the University of Alabama.

was taken up.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 348, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 348

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama to provide for a student member on the boards of trustees of Auburn University and the University of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

There shall be a student member on each of the boards of trustees of Auburn University and the University of Alabama in addition to the present members of their respective boards of trustees. The presidents of the student government associations of the various campuses of Auburn University and the University of Alabama shall meet separately in May to select the student board member who will represent the student body on that university's board of trustees. The terms of office of the student members of the boards of trustees provided by this amendment shall be determined by the student governing body of each school according to the constitution and by-laws of each respective student governing body. Vacancies in such offices shall be filled in a manner to be determined by each respective student governing body.

The student members provided by this amendment shall be students at the university each student represents and shall be vested with all the rights, powers, duties, and responsibilities of the other members of the board of trustees of their respective universities.

Section 2. An election upon the proposed amendment is ordered to be held at the next regularly scheduled general election. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Vacca, Waldrop.

— 25

Nay: Mr. Wilson.

— 1

And said Bill, S. B. 348, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

— 22

Nay: Mr. Wilson.

— 1

Messrs. Edwards and Ellis requested and received unanimous consent to have their names added as co-sponsors of the above Bill.

The Bill:

S. 689. To define State law enforcement officer for the purpose of eligibility to receive benefits relating to subsistence allowances, and longevity and overtime payments provided in Act No. 763, H. 286 of the 1973 Regular Session, Act No. 206, H. 1 of the 1975 Third Special Session as amended and re-enacted by Act No. 97, H. 151 of the 1975 Fourth Special Session, and Act No. 127, S. 50 of the 1975 Fourth Special Session, respectively.

was taken up.

Mr. Fine offered the following amendment to the Bill, S. B. 689, to-wit:

AMENDMENT TO S. B. 689

In Section 2, delete from "This section shall be . . ." through the end of the section and add the following: "This section shall be strictly construed to prohibit those persons who are passively engaged in the law enforcement field, by virtue of their administrative duties, from receiving benefits under the provisions of this act. This shall in no way prevent any law enforcement officer of the Alabama Department of Public Safety who is qualified under the Minimum Standards and Training Act from obtaining those benefits as referred to in Section 1 of this act."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—26

Nays:

—0

And said Bill, S. B. 689, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—28

Nays:

—0

The Bill:

S. 244. To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems, the Department of Youth Services and the Alabama Institute for Deaf and Blind.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 244, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 244

A BILL TO BE ENTITLED AN ACT

To provide sick leave for full-time support personnel who are non-certificated educational employees in city and county school systems and the Alabama Institute for Deaf and Blind and to appropriate \$350,000 to carry out the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The boards of control of city and county school systems and the Alabama Institute for Deaf and Blind shall provide for the payment for all full-time support personnel who are non-certificated educational employees for absences resulting from sickness or some other unavoidable cause which prevents such employee from discharging his duties, and provided, that any employee not utilizing or being paid for the sick leave in any one year may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the

next consecutive year or years of employment for the same school system or institution or for any other school system or institution in which the employee may later be employed until he shall accumulate a maximum of ninety days. The reasons for granting sick leave shall be the same as those for teachers.

Section 2. There is hereby appropriated from the Alabama Special Educational Trust Fund three hundred fifty thousand dollars (\$350,000) to carry out the provisions of this Act. The superintendent of the school system and the president of the Institute shall certify to the State Board of Education the actual number of days taken and the actual number of substitutes employed and the cost involved. The State Board of Education shall reimburse the local boards of education and the Institute for actual costs of employing substitutes. Should the funds appropriated be insufficient, each board and the Institute shall be reimbursed on a pro rata basis.

Section 3. All laws or parts of laws in conflict herewith are expressly repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 244, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 244

Amend Senate Bill 244, Page 2, Lines 13-14 by striking out all words and phrases and substituting therefor the following:

“Section 3. This Act shall not apply to any educational institution above secondary education.” and renumbering the subsequent sections.

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, S. B. 244, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. 244, AS AMENDED NO. 2

Amend Substitute for S. 244 by deleting the figure \$350,000 wherever it may be found, and inserting in lieu thereof the following figure:

\$875,000.00

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, S. B. 244, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. 244, AS AMENDED NO. 3

Amend Substitute for S. 244 by inserting the following language after the word payment, on line 26, page 1:

“up to the limit of funds allocated by the State Board of Education for that purpose,”

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, S. B. 244, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE
FOR S. 244, AS AMENDED NO. 4

Amend substitute for S. 244 by deleting the sentence beginning on page 2, line 10, with the word Should, as follows:

Should the funds appropriated be insufficient, each board in the Institute shall be reimbursed on a pro rata basis.

Which was adopted.

And said substitute for the Bill, S. B. 244, as thus amended, was then adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Fine, Flipppo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

— 23

Nays:

— 0

And said Bill, S. B. 244, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Flipppo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 26

Nays:

— 0

The Bill:

S. 519. To create in the State of Alabama a “Joint Advisory Board of Family Practice” to further the supply of competent family physicians; to provide for the board’s membership number and selection; and to establish the duties and authorities of the Advisory Board.

was taken up.

Mr. Noonan offered the following amendment to the Bill, S. B. 519, to-wit:

AMENDMENT TO S. B. 519

Amend Senate Bill No. 519 Page 2, by striking out Sections 4 and 5 and renumbering the remaining sections.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—26

Nays:

—0

And said Bill, S. B. 519, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Messrs. Bank, Fine, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Wilson.

—18

Nay: Mr. Jones.

—1

The Bill:

S. 251. To appropriate \$50,000.00 from the Alabama Board of Nursing Trust Fund in the State Treasury to the Alabama Board of Nursing for the current fiscal year ending September 30, 1976, for rental of premises and equipment, purchase of office equipment and furnishings, and other expenses associated with the directed move of the Board of Nursing office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Wilson.

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 387. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE
ON HOUSE BILL 387

We, the committee of conference appointed to reconcile the differences between the two houses concerning the bill, House Bill 387 have met and considered the matter referred and beg leave to report as follows:

We recommend the adoption of the attached substitute.

L. D. OWEN, JR.

RICHARD SHELBY

U. W. CLEMON

Conferees on part of the Senate

HUGH D. MERRILL

RICHARD S. MANLEY

WALTER OWENS

Conferees on part of the House

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 387

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries" wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and

materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rentals and items of general expense not defined as "equipment purchases" (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government for the interest on the public debt, and for the public schools for the fiscal year ending September 30, 1977, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor. It is provided that the amount expended for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

FROM THE GENERAL FUND

I. LEGISLATIVE:

A. EXPENSES OF THE LEGISLATURE:

- | | |
|--|--------------|
| (1) For salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for salaries and expenses of the members of the Legislature, and to provide for, and bring up to date, payment to those permanent employees of the legislature who have not yet been paid the cost of living increases provided for by Act No. 761 of the 1973 Regular Session and any subsequent acts providing cost of living pay increases | 2,300,000.00 |
| (2) For printing of Legislative Acts and Journals | 112,500.00 |
| (3) National Conference of State Legislators . . .
(For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.) | 25,530.00 |
| (4) For the Legislative Fiscal Office to be used for salaries, other expenses, and equipment purchases | 55,000.00 |

B. LEGISLATIVE REFERENCE SERVICE:

- (1) For operation of the Department:
For salary of the Director, other salaries,

other expenses, and equipment purchases .	395,000.00
C. LEGISLATIVE COUNCIL:	
(1) For operations of the Council:	
(Including out-of-state travel by Council members and members of the Legislature authorized to attend legislative conferences by joint resolution of the Legislature.)	50,000.00
D. COMMISSION ON INTERGOVERNMENTAL COOPERATION:	
(1) For salaries, other expenses, equipment purchases and for matching federal funds .	88,000.00
(Any portion of the above appropriation can be used by the Commission for Reorganization of the State Government project and employees shall not be subject to, nor governed by the provisions of the State Merit System Law.)	
E. DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:	
(1) For salaries, other expenses, equipment purchases, and automotive equipment purchases	2,541,514.00
F. CODE REVISION:	
For salaries, expenses and the Alabama Code Revision Committee	25,000.00
(Provided that no part of the above appropriation shall be expended after the publication and delivery of the Code to the State of Alabama)	
G. For the annual meeting of the Legislative Advisory Council of the Southern Regional Education Board in Alabama in 1977	6,000.00
II. JUDICIAL:	
(1) COURT OF CIVIL APPEALS:	
For salaries of the Judges	99,000.00
For salaries of Law Clerks	39,858.00
For salary of Clerk of Court	27,170.00
For other salaries	75,000.00
For other expenses	17,500.00
For rental of office space	27,125.00
For equipment and book purchases	1,000.00
For printing Appellate Court Reports	7,400.00
Total	294,053.00
(2) COURT OF CRIMINAL APPEALS:	
For salaries of the Judges	165,000.00
For salary of Clerk of Court	27,170.00
For salaries of Law Clerks	66,430.00
For other salaries	120,000.00
For other expenses	26,000.00

For equipment purchases	2,000.00	
For printing Appellate Court Reports	<u>8,000.00</u>	
Total		414,600.00
(3) The District Attorneys:		
For salaries of District Attorneys	936,000.00	
For salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	23,000.00	
For salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	3,600.00	
For salary of the Deputy District Attorney of the 1st Judicial Circuit	3,600.00	
For salary of the Deputy District Attorney of the 4th Judicial Circuit	24,000.00	
For salaries of Deputy District Attorneys of the 6th Judicial Circuit	15,600.00	
For salary of the Deputy District Attorney of the 7th Judicial Circuit	6,900.00	
For salary of the Deputy District Attorney of the 8th Judicial Circuit	10,800.00	
For salaries of Deputy District Attorneys of the 9th Judicial Circuit	7,200.00	
For salaries of Deputy District Attorneys of the 10th Judicial Circuit	144,000.00	
For salary of the Deputy District Attorney of the 11th Judicial Circuit	4,500.00	
For salaries of Deputy District Attorneys of the 13th Judicial Circuit	90,000.00	
For salary of the Assistant District Attorney of the 14th Judicial Circuit	7,200.00	
For salaries of Deputy District Attorneys of the 15th Judicial Circuit	126,250.00	
For salaries of Deputy District Attorneys of the 16th Judicial Circuit	6,000.00	
For salaries of Deputy District Attorneys of the 23rd Judicial Circuit	63,000.00	
For salaries of Deputy District		

Attorneys of the 26th Judicial Circuit	13,000.00	
For salary of the Deputy District Attorney of the 27th Judicial Court	7,200.00	
For salary of the Deputy District Attorney of the 29th Judicial Circuit	7,200.00	
For salaries of Deputy District Attorneys of the 31st Judicial Circuit	4,200.00	
For salary of the Deputy District Attorney of the 32nd Judicial Circuit	9,600.00	
For salary of the Deputy District Attorney of the 38th Judicial Circuit	3,600.00	
For travel expenses of District Attorneys	50,000.00	
For salary of the stenographic secretary of the 6th Judicial Circuit	1,200.00	
For telephone service, stationery, stamps and necessary office supplies for the office use of the District Attorneys, Deputy District Attorneys or Assistants (Provided, however, that none of this appropriation shall be expended for books and equipment purchases.)	50,000.00	
For salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session.....	24,000.00	
Total.....		1,641,650.00
For salaries and expenses of Supernumerary District Attorneys		367,000.00

(4) UNIFIED JUDICIAL SYSTEM:

- (a) Administrative Office of Courts
- (b) Trial Courts: Judges' Salaries, Travel, Education, Equipment Purchases and Special Judges
- (c) Department of Court Management
- (d) Circuit Clerks and Registers: Salaries, Office Expenses and Travel
- (e) Supernumerary Clerks and Registers
- (f) Official Court Reporters: Salaries, Travel and Equipment
- (g) Supernumerary Court Reporters
- (h) Magistrates
- (i) Supernumerary and Retired Judges Salaries and Expenses

(j) Court of the Judiciary	
(k) Indigent Defense Commissions	
(l) Judicial Compensation Commission	
(m) Judicial Conference	
(n) Judicial Inquiry Commission	
(o) Jurors, Jury Commissions and Witnesses	
(p) Permanent Study Commission on Alabama's Judicial System	
(q) Court Supportive Personnel	
(r) Matching Funds for Federal Grants	
(s) All other judicial agencies, commissions, boards, conferences and related purposes as may be provided by law.	
Total operating costs	9,875,000.00
(The maximum amount of expenditures for the above judicial agencies, commissions, departments, offices, boards, conferences, courts and purposes shall not exceed the revenues collected under the provisions of Act No. 1205, 1975 Regular Session, and paid into the State General Fund.)	
(5) FOR THE JUDICIAL RETIREMENT SYSTEM	1,116,000.00
(6) For operation of the Alabama Criminal Justice Information Center	234,000.00
(7) THE SUPREME COURT:	
For salaries of the Chief Justice and eight Associate Justices . . .	301,500.00
For salary of the Clerk of Court . .	27,170.00
For salary of the Marshal and Librarian	27,170.00
For salary of Reporter of Decisions	22,542.00
For salary of Deputy Clerk of Court	22,542.00
For salaries of Law Clerks	119,574.00
For other salaries	389,948.00
For other expenses	100,000.00
For equipment purchases	7,000.00
For automotive equipment purchases—For the Chief Justice	6,500.00
For Printing Alabama Reports . .	14,085.00
Total	1,037,981.00
For Supreme Court Library Fund	90,000.00

III. EXECUTIVE:

A. DEPARTMENTS, AGENCIES, AND OTHER ESSENTIAL FUNCTIONS OF THE EXECUTIVE BRANCH:

(1) STATE BOARD OF ADJUSTMENT:

(a) For expenditures by the Board payable from General Fund for the General Fund Contribution to the total expenditure of \$200,000 pursuant to Title 55, Section 343	15,000.00
(b) For expenditures by the Board payable from General Fund the provisions of Act No. 208, 1966, Special Session and Act No. 436, 1967 Regular Session. . .	90,000.00
(2) ADVERTISING LANDS FOR TAX SALE	14,000.00
(3) COMMISSION ON AGING—TRANSFER	150,000.00
(4) DEPARTMENT OF AGRICULTURE AND INDUSTRIES:	
(a) For transfer to the Agricultural Fund for salaries, other expenses and equipment purchases for the Department of Agriculture and Industries.	2,578,000.00
(b) For transfer to the Department of Agriculture and Industries to be expended by the Meat and Poultry Inspection Division for salaries, other expenses, equipment purchases and automotive equipment purchases	500,000.00
(c) For the Egg Inspection Division for salaries, other expenses and equipment purchases	50,350.00
(d) For transfer to the Department of Agriculture and Industries to be expended for the Brucellosis program .	300,000.00
(5) AGRICULTURE CENTER BOARD:	
(a) For transfer to the Agriculture Center Board for salaries and other expenses .	49,382.00
(b) For expenses and awarding of prizes as provided by Act No. 1122, 1969 Regular Session.	90,000.00
(6) DEPARTMENT OF ARCHIVES AND HISTORY:	
For salaries, other expenses, and equipment purchases	298,970.00
(7) OFFICE OF THE ATTORNEY GENERAL:	
For salaries, other expenses, equipment purchases, and for matching federal funds .	1,132,537.00
(8) OFFICE OF THE STATE AUDITOR:	
(a) For salaries, other expenses, property inventory, equipment purchases, and for matching federal funds	250,000.00
(b) Property Inventory: To be used solely by this division of the Auditor's Office for salaries, other expenses, equipment purchases and	

matching federal funds	125,000.00
(9) STATE BANKING DEPARTMENT:	
(a) STATE BANKING DEPARTMENT: For transfer to the State Banking Department.....	107,350.00
(b) BANKING DEPARTMENT—BU- REAU OF LOANS: For transfer to the State Banking Department.....	133,000.00
(10) BUILDING COMMISSION: For salaries, other expenses, equipment purchases and automotive equipment purchases	95,000.00
(11) DEPARTMENT OF CIVIL DEFENSE:	
(a) For salaries, other expenses and equip- ment purchases	195,000.00
(b) For matching Federal Funds—Disaster Relief	153,000.00
(12) BOARD OF CORRECTIONS:	
(a) For transfer to Board of Corrections ...	8,500,000.00
(b) For Board of Corrections conditional upon the condition of the general fund and upon the approval of the Gover- nor:	
(aa) For implementation of the inmate work force authorized by H. J. R. 20 —Regular Session 1976 “‘That it is the intent of the legislature that the Board of Corrections begin immediately to develop an inmate work force with proper super- vision capable of con- structing facilities pro- jected to be needed by the Board of Correc- tions’”.....	125,000.00
(bb) To defray the expenses incurred by the Board of Corrections by Act No. 524 of the 1975 Ala- bama Legislature which mandated production of a new automobile license plate requiring the pur- chase of additional equip- ment and machinery during the first year of production.....	600,000.00

- (cc) For Reclassification Program of Inmates 350,000.00
- (dd) For implementation of the revolving fund authorized in Section 12 of S. B. 440, Regular Session 1976, to operate through a purchasing department to be set up by the Board of Corrections to control all aspects of purchase expenditures of the Board and subject to all applicable laws, "to erect buildings, to improve existing facilities, to purchase equipment, to procure tools, supplies and materials, to purchase, install or replace equipment, and otherwise to defray the necessary expenses incidental to the employment of prisoners", and further provided for in Section 13 of Senate Bill 440, Regular Session 1976, that "all monies collected by the Board of Corrections from the sale or disposition of articles and products manufactured or produced by prison labor . . . shall be forthwith deposited with the State Treasurer to be kept and maintained in the industrial revolving fund . . . for the purchase of raw materials, manufacturing supplies, equipment, machinery and buildings . . . If, at the end of any fiscal year, the unencumbered balance of the revolving fund exceeds \$250,000.00, any further unencumbered balance in excess of \$250,000.00 may be transferred to the Board of Corrections maintenance fund. This re-

volving fund herein provided for shall not involve industries currently operated by the Board of Corrections but shall apply only to those industries created as a result of S. B. 440 ...

250,000.00

- (ee) For the creation of the Alabama Board of Corrections Agricultural Revolving Fund, to operate through a purchasing department to be set up by the Board of Corrections to control all aspects of purchase expenditures of the Board and subject to all applicable laws, to replace the barter system or any like system to dispose of or acquire any service, goods, commodities or property of any nature whatsoever. The Board of Corrections is authorized to expend such monies out of the appropriation for said revolving fund as may be necessary to purchase equipment, to procure tools, supplies and materials, to purchase, install or replace equipment, and otherwise to defray the necessary expenses incident to the agricultural operations of the Board of Corrections. All monies collected by the Board from the sale or disposition of agricultural products produced by prison labor or monies derived from federal allotments, agricultural tax rebates, contracts, insurance receipts, timber sales, rents, leases, sale of agricultural equipment or machinery, or any other agricultural receipt shall be forthwith deposited

with the State Treasurer to be kept and maintained in the agricultural revolving fund created in this act for the purchase of raw materials, tools, equipment, machinery, or any other materials, or supplies necessary for the efficient operation of the Board of Corrections agricultural programs. If, at the end of any fiscal year, the unencumbered balance of the revolving fund exceeds \$250,000.00, any further unencumbered balance in excess of \$250,000.00 may be transferred to the Board of Corrections maintenance fund 250,000.00

Total Conditional Appropriations .		1,575,000.00
(13) DEPARTMENTAL EMERGENCY FUND	(This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appropriated and the total amount expended under the provisions of said section.)	427,500.00
(14) ALABAMA DEVELOPMENT OFFICE:	For transfer to Alabama Development Office for operations.	2,000,000.00
(15) STATE EMPLOYEES INSURANCE. . . .	(To pay the State's share of the State Employees Insurance Program)	800,000.00
(16) STATE EMPLOYEES INSURANCE BOARD:	For salaries, other expenses, and equipment purchases	39,869.00
(17) EMPLOYEES' RETIREMENT FUND—STATE'S PART.		3,500,000.00
(18) FARMERS' MARKET AUTHORITY:	For transfer to the Farmers' Market Authority for the operation of the Farmers' Market Authority.	48,925.00
(19) DEPARTMENT OF FINANCE:	For operation of Department, to include salaries, other expenses, equipment purchases, automobile purchases, and other legitimate functions including the director's office; the divisions of: Budget, Control and Accounts, Legal, Printing and Publications, Purchases and Stores,	

Service, (including operation of The White House of the Confederacy), Space Management Operations, Data System Management and Equipment Purchases for the State offices in the executive, administrative, and judicial departments	3,050,000.00
(Of the above appropriation there is hereby authorized to be created a revolving fund in an amount not to exceed \$250,000.00 to the Division of Printing and Publications to be used to create a centralized billing system and all revolving fund receipts of such division for furnishing printing and duplicating services to other State agencies and are automatically reappropriated in such revolving fund.)	
(20) ALABAMA FORESTRY COMMISSION: For transfer to the Alabama Forestry Commission: For salaries, other expenses, equipment purchases and automotive equipment purchases	1,991,450.00
(21) GEOLOGICAL SURVEY: For salaries, other expenses, equipment purchases, for federal matching funds and other lawful purposes	775,246.00
(22) THE GOVERNOR'S OFFICE:	
(a) For operation of the office, to include salaries, other expenses, equipment purchases, automobile purchases, and other legitimate functions	427,055.00
(b) For Governor's Emergency Fund, to be expended at the direction of the Governor	100,000.00
(c) For Governor's Controlled Contingency Fund	60,000.00
(d) For Governor's Office—Consumer Agency: For salaries, other expenses, and equipment purchases	169,380.00
(e) For Mansion Fund	45,000.00
(f) For Governor's Mansion at Gulf Shores	10,000.00
(23) GOVERNOR'S PROCLAMATION EXPENSES	100,000.00
(24) DEPARTMENT OF HEALTH:	
(a) For Administration of all State Health Services and Programs (excluding Medicaid), including salaries, other expenses and equipment purchases	8,130,000.00
(b) For transfer to the Medicaid Account	47,700,000.00
For transfer to the Medicaid Account to be conditional upon the condition of the General Fund and with the ap-	

proval of the Governor	1,300,000.00
(25) OFFICE OF HIGHWAY AND TRAFFIC SAFETY:	
For transfer to Office of Highway and Traffic Safety	71,250.00
For transfer to Office of Highway and Traffic Safety for the auto check pilot program	55,000.00
Said amount to be conditional upon availability of funds and upon the approval of the Governor.	
(26) ALABAMA HISTORICAL COMMISSION:	
(a) For transfer to Alabama Historical Commission for operations of the Commission	137,484.00
(b) For transfer to Alabama Historical Commission for operation of the Cahaba Historical Site	6,650.00
(27) DEPARTMENT OF INDUSTRIAL RELATIONS:	
For salaries, other expenses and equipment purchases	493,150.00
(28) DEPARTMENT OF INSURANCE:	
For salaries, other expenses and equipment purchases	615,000.00
(29) STATE LABOR DEPARTMENT:	
For salaries, other expenses and equipment purchases	155,500.00
(30) ALABAMA LAW ENFORCEMENT PLANNING AGENCY:	
For matching Federal Funds and for the Alabama Diversion Investigation Unit to be used for salaries, other expenses and equipment purchases	525,000.00
(31) LIVESTOCK COLISEUM:	
For transfer to the Livestock Coliseum Fund for the operation of the Livestock Coliseum	138,047.00
(32) MENTAL HEALTH:	
For transfer to Special Mental Health Fund	29,000,000.00
(33) MILITARY DEPARTMENT:	
(a) For operation of the Department:	
For salaries, other expenses and equipment purchases	654,550.00
(b) For Quarterly Allowances:	
For Headquarters	4,500.00
For Regular Allowance to Units to be used solely for operating expenses; provided, that no more than \$5,000 shall be allotted in any fiscal year for the Headquarters, Alabama National Guard	375,000.00

(c) For Active Military Service—Active National Guard: (To be approved by the Governor and Director of Finance and as authorized by the Legislature)	95,000.00
(d) For transfer to the Armory Commission: For care and maintenance of Armories .	1,000,000.00
(e) For Capital Outlay Purposes:	
Troy.....	125,000.00
Albertville.....	92,000.00
Luverne.....	75,000.00
Total.....	292,000.00
(f) For Architect and Engineering Services and Specifications for the following Armories:	
Troy.....	7,800.00
Albertville.....	6,360.00
Luverne.....	4,800.00
Florence.....	11,220.00
Tuscaloosa.....	10,020.00
Opelika.....	9,120.00
Total.....	49,320.00
(34) OIL AND GAS BOARD: For salaries, other expenses and equipment purchases	677,350.00
(35) BOARD OF PARDONS AND PAROLES: For salaries, other expenses, equipment purchases, automotive equipment purchases, and matching Federal Funds	1,856,800.00
(36) PERSONNEL DEPARTMENT: For transfer to the Personnel Department for the payment of the State's General Fund share of the cost of operating the Department	107,251.00
(37) BUREAU OF PUBLICITY AND INFORMATION: For constructing and equipping Welcome Centers	95,000.00
(38) PUBLIC DOCUMENTS DISTRIBUTION	30,000.00
(39) DEPARTMENT OF PUBLIC SAFETY: For salaries, other expenses, equipment purchases, automotive equipment purchases and matching Federal Funds and for other lawful purposes of the department in the operation and maintenance thereof. . . .	18,000,000.00
(40) REGISTRATION OF VOTERS.....	300,000.00
(41) DEPARTMENT OF REVENUE:	
(a) For transfer to the	

Department of Revenue for the General Fund's share in the cost of oper- ating the Department . . .	1,432,948.00	
(b) For Auto Title and Auto Theft Fund	850,000.00	
(c) Boards of Equalization: For salaries and other expenses of the members and employees of the county Boards of Equal- ization	<u>140,362.00</u>	
Total		2,423,310.00
(42) OFFICE OF SECRETARY OF STATE: For salaries, other expenses and equipment purchases including law book inventory and uniform commercial code operations . .		235,235.00
(43) SECURITIES COMMISSION: For salaries, other expenses and equipment purchases		165,000.00
(44) STATE'S SHARE OF SOCIAL SECURITY		1,500,000.00
(45) SOCIAL SECURITY ADMINISTRA- TION: For salaries, other expenses and equipment purchases		167,881.00
(46) SOIL CONSERVATION COMMITTEE: For salaries, other expenses, equipment purchases, Soil and Water Conservation Districts and Watershed planning		241,490.00
(47) TELEPHONE REVOLVING FUND, STATE		576,720.00
(48) STATE TOXICOLOGIST: For salaries, other expenses, automotive and other equipment purchases and matching Federal Funds		620,000.00
(49) OFFICE OF THE STATE TREASURER: For salaries, other expenses and equipment purchases		430,000.00
(50) DEPARTMENT OF VETERANS AFFAIRS: (a) For salaries, other expenses and equip- ment purchases		1,362,906.00
(b) For contract with Veterans of Foreign War Organization		36,000.00
(c) For contract with Disabled American Veterans Organization		9,000.00
(51) ETHICS COMMISSION, ALABAMA: For transfer to the Alabama Ethics Com- mission		95,000.00

(52) TRANSFER TO STATE HIGHWAY DEPARTMENT:

For operation and maintenance and construction 6,100,000.00

IV. OTHER FUNCTIONS OF GOVERNMENT:

A. OTHER FUNCTIONS OF GOVERNMENT TO BE FUNDED FROM THE GENERAL FUND:

- | | |
|--|------------|
| (1) ALABAMA ACADEMY OF HONOR.
(Pursuant to provisions of Act No. 15, Third Special Session 1965) | 1,350.00 |
| (2) ALABAMA AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION | 36,000.00 |
| (3) APPALACHIAN REGIONAL DEVELOPMENT PROGRAM | 135,000.00 |
| (4) ARREST OF ABSCONDING FELONS:
For expenses incident to the arrest of absconding felons. | 8,000.00 |
| (5) PAYMENT OF ATTORNEYS FEES IN INDIGENT CAPITAL CASES.
(As provided in Act No. 176, 1947 Acts, page 61) | 25,000.00 |
| (6) AUTOMATIC APPEAL EXPENSE.
(Provided in 1943 Acts of Legislature, page 217) | 3,000.00 |
| (7) ALABAMA WING OF CIVIL AIR PATROL. | 35,000.00 |
| (8) CIVIL COURT COST IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS. | 200.00 |
| (9) COOSA-ALABAMA DEVELOPMENT AUTHORITY. | 11,250.00 |
| (10) COUNCIL OF STATE GOVERNMENTS . | 30,790.00 |
| (11) COURT COSTS
(To be paid by the State of Alabama pursuant to Act No. 558, 1957 Acts, page 777) | 240,000.00 |
| (12) COURT COSTS
(To be paid by the State of Alabama not otherwise provided for) | 250,000.00 |
| (13) ELECTION EXPENSES | 900,000.00 |
| (14) ELK RIVER DEVELOPMENT ASSOCIATION | 7,500.00 |
| (15) FAIR TRIAL TAX TRANSFER.
In addition to the above \$100,000.00, the additional sum of \$100,000.00 shall be transferred to the Fair Trail Tax Fund in the event that the General Fund has sufficient revenues to avoid proration, and on the further condition that the Governor gives his approval. | 100,000.00 |

(16) FEEDING OF PRISONERS: For expenses of feeding prisoners in county jails	1,400,000.00
(17) MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR.....	100,000.00
(18) FORT MORGAN HISTORICAL COMMISSION: For salaries, other expenses and equipment purchases	65,000.00
(19) GORGAS MEMORIAL BOARD..... (To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount)	8,550.00
(20) NATIONAL GOVERNOR'S CONFERENCE	20,580.00
(21) GOVERNOR'S RETIREMENT	30,000.00
(22) GOVERNOR'S WIDOWS RETIREMENT	14,400.00
(23) HELEN KELLER HOME: For operation and maintenance.....	4,500.00
(24) RICHMOND PEARSON HOBSON MEMORIAL BOARD..... (To provide the appropriation authorized by Act No. 536, 1943 Acts, page 510 and an additional amount)	8,550.00
(25) INTERPRETER'S ACCOUNT	100.00
(To carry out provisions of Act No. 799, 1965 Regular Session)	
(26) LAGRANGE HISTORICAL COMMISSION..... (To provide the appropriation and for the expenditures authorized by Act No. 551, 1943 Acts, page 540)	2,250.00
(27) LAW ENFORCEMENT LEGAL DEFENSE	2,000.00
(To carry out provisions of Act No. 259, 1957 Regular Session)	
(28) MAILING TAX NOTICES, ESTIMATED	7,500.00
(29) PREVAILING WAGE COMMISSION: For operation	18,000.00
(30) PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES.....	10,000.00
(31) FOR SPECIAL PROBATE JUDGES.....	20,000.00
(32) REMOVAL OF PRISONERS: For expenses incident to removal of prisoners.....	75,000.00
(33) RIVERBOAT ASSOCIATION, MONTGOMERY.....	22,500.00
(34) SOUTHERN GROWTH POLICY BOARD	21,000.00
(35) SOUTHERN INTERSTATE NUCLEAR BOARD.....	11,057.00

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(36) SPORTS HALL OF FAME BOARD	22,500.00
(37) ALABAMA STEER SHOW ASSO- CIATION	9,000.00
(38) TALLACOOSA HIGHLAND LAKE ASSOCIATION	9,000.00
(39) TANNEHILL FURNACE AND FOUND- RY COMMISSION	22,500.00
(40) TENNESSEE RIVER VALLEY ASSO- CIATION	9,000.00
(41) TENNESSEE-TOMBIGBEE WATER- WAY DEVELOPMENT AUTHORITY . .	108,000.00
(To carry out the provisions of Act No. 355, 1957 Regular Session, Approved August 23, 1957)	
(42) STATE TREASURER — PREVIOUS YEARS UNPAID WARRANTS	50,000.00
(43) TRI-RIVERS DEVELOPMENT ASSO- CIATION	27,000.00
(44) COMMISSION ON UNIFORM STATE LAWS	4,000.00
(Total amount appropriated by Act No. 926, Acts 1951, page 1575, for expenses, oper- ation and contributions of Commission)	
(45) NATIONAL VETERANS DAY COM- MITTEE, BIRMINGHAM	3,000.00
(46) VETERANS DAY COMMISSION, ALA- BAMA	1,350.00
(47) VETERANS DAY COMMISSION, NATIONAL	1,350.00
(48) WATERSHED CONSERVANCY DISTRICTS:	
Bear Creek Watershed Association	31,500.00
Choccolocco Watershed	3,600.00
Choctawhatchee	2,250.00
Crooked Creek Watershed	2,250.00
Ketchepedrakee Watershed	2,250.00
Big Nance	2,250.00
Pea River	2,250.00
Tallassee hatchee	2,250.00
Terrapin Creek (Cherokee County)	2,250.00
(49) WOMEN'S COMMISSION, ALABAMA . .	9,000.00
(50) Y.M.C.A. YOUTH LEGISLATURE	4,500.00
(51) TO THE ALABAMA STATE FAIR AUTHORITY, a State Agency located in Birmingham:	
For construction of a swine pavilion	150,000.00
(52) INTERSTATE MINING COMMISSION . .	6,000.00
(53) BIRMINGHAM FESTIVAL OF ARTS . .	22,500.00
(54) TRANSFER TO HISTORICAL CHATTAHOOCHEE	10,000.00

(55) TRANSFER TO WOMEN'S HALL OF FAME, ALABAMA	4,000.00
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V. DEBT SERVICE:

A. (1) For payment of principal and interest due on bonds issued by Alabama State Hospitals and Partlow State School Bond Commission pursuant to Constitutional Amendment No. CXVIII	282,960.00
(2) For interest on Spanish American War Veterans Fund, Estimated	294.86
(3) For payment of principal and interest due on bonds issued by State Docks—Inland Waterways	2,142,156.10
(4) For payment of principal and interest on bonds issued by the State Parks Development Authority pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session	500,000.00
(5) For payment of principal and interest due on bonds issued for the Tennessee-Tombigbee Waterway pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	686,905.00

VI.

A. FROM FUNDS OTHER THAN STATE GENERAL FUND:

(1) ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY:	
For salaries, other expenses and equipment purchases	116,000.00
In addition to the amount appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any applications for license which may have been rejected by the Board or withdrawn by request of applicant. The above appropriation is payable from funds in the State Treasury to the credit of the Alabama State Board of Public Accountancy Fund.	
(2) AERONAUTICS DEPARTMENT:	
(a) For salary of the Director.	23,769.00
For other salaries	78,020.00
For other expenses	43,100.00
For equipment purchases.	1,000.00
For automotive equipment purchases	5,500.00
Total	151,389.00
(b) For State Aid to Airports—	
For Airports and Airmarkings	450,000.00

The above appropriation to Aeronautics Department shall be payable from State Airports Development Fund as provided by Act No. 402, 1945 Acts, page 620, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(3) COMMISSION ON AGING:

For salaries, other expenses, equipment purchases, automotive equipment purchases and contracts

4,109,725.00

The above appropriation is payable from the Commission on Aging Fund and shall include the appropriation herein made to said fund as provided in Item III A (3) and any funds received for this work from the several counties, cities or Federal Government.

(4) AGRICULTURE AND INDUSTRIES:

(a) For salaries, other expenses, automotive equipment purchases and other equipment purchases for the department

4,103,609.00

For transfer to State Personnel Department . .

13,948.00

For transfer to Livestock Coliseum

53,100.00

For transfer to Telephone Revolving Fund

20,000.00

For awarding prizes and premiums

20,000.00

Total

4,210,657.00

The above appropriations are payable from funds in the Agricultural Fund and shall include the appropriation made to said fund in Item III A (4) (a).

The above appropriations for other salaries, other expenses, equipment purchases and automotive equipment purchases shall be used for the operation and maintenance of the Department of Agriculture and Industries and for Bangs Disease Control, Disease of Swine, Swine Diagnostic Laboratory, Fire Ant Control, Pesticide Laboratory, Poultry Disease Control, White Fringed and Japanese Beetle Control, for inspection, grading and classification of fruits and vegetables and any other services connected with the operations of Agriculture and Industries in the State of Alabama. Any surplus remaining in the Agricultural Fund at the end of

the fiscal year in excess of \$150,000.00 shall be transferred to the State General Fund.

- (b) Egg Inspection Division:
 For salaries, other expenses, automotive equipment purchases and other equipment purchases for the division 98,083.00
 The above appropriations are payable from funds in the Egg Inspection Fund and shall include the appropriation made to said fund in Item III A (4) (c).
- (c) Meat and Poultry Inspection Division:
 For salaries, other expenses and equipment purchases 1,262,430.00
 The above appropriation is payable from the funds to the credit of the Meat and Poultry Inspection Fund and shall include the appropriation made herein in Item III A (4) (b).
- (d) Agricultural Center Board:
 For salaries and other expenses 49,382.00
 The above appropriation to the Agricultural Center Board shall be payable from the Agricultural Center Board Fund and include the appropriation made to said fund as provided in Item III A (5) (a).
- (e) Livestock Coliseum:
 For salaries, other expenses, automotive equipment purchases and other equipment purchases for the division ... 252,047.00
 For rental (Livestock Coliseum, Montgomery) . 53,100.00
 Total 305,147.00
 The funds hereinabove appropriated to the Agricultural Center Board for Livestock Coliseum shall be payable from the Livestock Coliseum Fund and the appropriation herein above includes the appropriation made to said fund as provided in Item III A (31) and Item VI A (4) (a).
- (f) Shipping Point Inspection Fund:
 There is hereby appropriated, from receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956) for Shipping Point Inspection work performed by the Department of Agriculture and Industries for payment of salaries, other expenses,

equipment purchases and automotive equipment purchases, all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(g) Brucellosis program:

For salaries, other expenses, and equipment purchases

300,000.00

The above appropriation is payable from the funds to the credit of the Brucellosis Fund and shall include the appropriation made herein in Item III A (4) (d).

(5) ALCOHOLIC BEVERAGE CONTROL BOARD:

(a) Administrative and Stores Division:

For salary of the Administrator	23,769.00
For other salaries	10,247,772.33
For other expenses (transportation cost for merchandise excluded) . .	3,168,992.00
For equipment purchases	144,606.50
For automotive equipment purchases	5,000.00
For awards for convictions	1,000.00
For transfer to State Personnel Department . .	46,641.00
For transfer to Mental Health Department	375,000.00
For transfer to Telephone Revolving Fund	11,340.00
For transportation cost on merchandise	<u>549,016.00</u>

Total

14,573,136.83

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into

operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

(b) Law Enforcement

Division:

For salaries	1,808,883.00
For other expenses	650,268.00
For equipment purchases.	13,000.00
For automotive equipment purchases	159,000.00

Total

2,631,151.00

The appropriations hereinabove made (a) and (b) to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(c) Beer Tax and Licenses

Division:

For salaries	786,922.00
For other expenses	388,740.00
For equipment purchases.	19,525.00

Total

1,195,187.00

In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further, that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed

beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

(6) STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For salaries	15,000.00	
For other expenses	22,000.00	
For equipment purchases. . .	<u>1,000.00</u>	
Total		38,000.00

The above appropriation is payable from funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(7) ARMORY COMMISSION:

(a) For salaries, other expenses, and equipment purchases by the Commission. . . 1,000,000.00

(b) For Capital Outlay Purposes:

Troy	125,000.00	
Albertville	92,000.00	
Luverne	<u>75,000.00</u>	
Total		292,000.00

(c) For Architect and Engineering Services and Specifications for the following Armories:

Troy	7,800.00	
Albertville	6,360.00	
Luverne	4,800.00	
Forence	11,220.00	
Tuscaloosa	10,020.00	
Opelika	<u>9,120.00</u>	
Total		49,320.00

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of armories as provided in Item III A (33) (d) in this Act. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000.00 shall be transferred to the State General Fund.

(8) DEPARTMENT OF BANKING:

(a) Bureau of Banking:

For salaries, other expenses and equipment purchases	580,557.00
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The above appropriation shall be payable from the Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session and shall also include the appropriation made in Item III A 9(a) in this Act.

(b) Bureau of Credit Unions:

For salaries	75,000.00
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For other expenses	26,000.00
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For equipment purchases.	500.00
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Total	101,500.00
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The above appropriation shall be payable from the Banking Department—Bureau of Credit Unions as provided in Act No. 2293, 1971 Regular Session.

(9) DEPARTMENT OF BANKING—LOAN EXAMINATION FUND:

For salaries, other expenses and equipment purchases	242,173.00
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The above appropriation shall be payable from the Loan Examination Fund as provided in Act No. 374, 1959 Regular Session, approved November 6, 1959 and shall also include the appropriation in Section III A (9) (b) in this Act.

(10) ALABAMA STATE BAR ASSOCIATION:

For salaries	113,000.00
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For other expenses	146,000.00
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For equipment purchases.	500.00
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Total	259,500.00
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The above appropriation is payable from the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(11) STATE BOARD OF CHIROPRACTIC EXAMINERS:

For salaries	4,000.00
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For other expenses	9,000.00
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For equipment purchases.	3,108.00
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Total	16,108.00
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The above appropriation shall be payable from the State Board of Chiropractic Examiners Fund as provided in Act No. 108, 1959 Regular Session.

(12) DEPARTMENT OF CONSERVATION:

(a) Administrative Division:

For salary of the Director.	23,768.94	
For other salaries	545,945.00	
For other expenses	316,500.00	
For equipment purchases.	5,421.00	
For automotive equip- ment purchases	5,500.00	
For transfer to Personnel Department	21,589.00	
For transfer to Telephone Revolving Fund	7,560.00	
TOTAL		926,283.94

The above appropriation shall be payable from the Department of Conservation—Administrative Fund and includes the appropriation made to this Division as provided in this Section.

(b) Game and Fish Division:		
For salaries	3,400,000.00	
For other expenses	1,600,000.00	
For equipment purchases.	150,000.00	
For automotive equip- ment purchases	200,000.00	
For transfer to Depart- ment of Conservation- Administrative Account.	339,505.81	
For transfer to Telephone Revolving Fund	7,380.00	
For construction, prior to the end of the fiscal year 1976-77, of a boat ramp at Mt. Vernon, Alabama, according to the plans and specifications of the Department of Con- servation and Natural Resources date October 1, 1973, entitled "BOAT RAMP AT MT. VER- NON, Project No. 2-GF-92"	40,000.00	

In the event this project is completed before the end of the fiscal year 1976-77, then in that event, any unexpended funds dedicated to this project shall be credited to the line item "For other expenses".

Total 5,736,885.81

The funds hereinabove appropriated to the Game and Fish Division shall be payable from the Game and Fish Fund.

(c) State Lands Division:		
For salaries	95,000.00	
For other expenses	35,000.00	
For equipment purchases.	10,000.00	
For automotive equip- ment purchases	5,500.00	
For transfer to Depart- ment of Conservation— Administrative Account.	14,000.00	
TOTAL		159,500.00
The funds hereinabove appropriated to the State Lands Division shall be payable from the State Lands Division Fund.		
In addition to the above appropriation, there is also hereby appropriated from the State Lands Division Fund to the Lands Division for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and off-shore areas.		
		125,000.00
(d) Marine Police Division:		
For salaries	715,936.00	
For other expenses	280,000.00	
For equipment purchases.	50,540.00	
For automotive equip- ment purchases	56,000.00	
For transfer to Depart- ment of Conservation— Administrative Account.	126,101.00	
TOTAL		1,228,577.00
The funds hereinabove appropriated to the Marine Police Division shall be payable from the Marine Police Fund.		
(e) Marine Resources Division:		
For salaries	395,000.00	
For other expenses	165,000.00	
For equipment purchases.	15,000.00	
For automotive equip- ment purchases	11,000.00	
For transfer to Depart- ment of Conservation— Administrative Account.	55,000.00	
For Gulf State Marine Fisheries Commission	10,000.00	
Total		651,000.00
In addition to the monies hereinabove appropriated, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources		

Division Laboratory at Dauphin Island is hereby appropriated to the Division of Marine Resources and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate. The funds hereinabove appropriated to the Marine Resources Division shall be payable from the Marine Resources Fund.

(f) State Parks Division:

For salaries, other expenses, equipment purchases, automotive equipment purchases and for transfer to Department of Conservation-Administrative Account.....

3,593,993.00

(Provided, however, of the amount appropriated hereinabove no less than \$100,000.00 shall be expended for operation and maintenance of Tannehill State Park) The funds hereinabove appropriated to the State Parks Division shall be payable from the State Parks Fund.

Also included and used in the above appropriation any remaining Capital Outlay funds appropriated in prior years which do not have committed contracts against said funds; there is hereby reappropriated from these Capital Outlay funds an amount not to exceed \$1,150,000.00 for the 1976-77 fiscal year for Park operations.

(g) No funds hereinabove appropriated to the Department of Conservation and Natural Resources shall be used to pay law enforcement subsistence, longevity or overtime benefits except to the following job categories and classifications:

Conservation	Enforcement	Officer
I 6301		
Conservation	Enforcement	Officer
II 6302		
Conservation	Enforcement	Officer
III 6303		
Conservation	Enforcement	Officer
IV 6304		
Conservation	Enforcement	Officer
V 6305		

Land Inspector 6156

Land Inspector Supervisor 6159

(13) STATE LICENSING BOARD FOR
GENERAL CONTRACTORS:

For salaries	90,000.00
For other expenses	55,000.00
For equipment purchases. . . .	10,000.00

TOTAL 155,000.00

In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriations are payable from funds in the State Treasury to the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(14) BOARD OF CORRECTIONS:

For salaries, other expenses, equipment purchases, automotive equipment purchases and debt service	20,305,137.00
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Conditional upon the condition of the general fund and upon the approval of the Governor. 1,575,000.00

For transfer to the State Personnel Department 27,363.00

The funds hereinabove appropriated to the Board of Corrections shall be payable from the Board of Corrections Fund and the appropriation hereinabove made includes the appropriations made to the said fund as provided in Item III A (12) and Section 7 in this Act.

The funds hereinabove appropriated to the Board of Corrections shall be payable from the Board of Corrections Fund and the appropriation hereinabove made includes the appropriations made to the said fund as provided in Item IV A (11) in this Act. Provided, however, the Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

(15) ALABAMA BOARD OF COS-
METOLOGY:

For salaries	111,057.00
For other expenses	90,000.00

For equipment purchases. . . . 3,750.00

TOTAL 204,807.00

The above appropriations shall be payable from the funds in the State Treasury to the credit of the Alabama Board of Cosmetology pursuant to provisions of Act No. 653, 1957 Regular Session.

(16) DAIRY COMMISSION:

For salaries 225,890.50

For other expenses 130,000.00

For equipment purchases. . . . 3,000.00

For automotive equipment purchases 11,000.00

TOTAL 369,890.50

The above appropriations shall be payable from the Dairy Commission Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

(17) ALABAMA DEVELOPMENT OFFICE:

For salaries, other expenses, equipment purchases, automotive equipment purchases, national advertising and industrial promotion and contracts

4,548,828.00

The above appropriations shall be payable from the Alabama Development Office Fund and shall include appropriations made in Item III A (14) in this Act and all gifts, grants, contributions or other appropriations received by the Alabama Development Office from whatever source.

(18) ALABAMA STATE DOCKS BOARD:

For transfer to the State Personnel Department

4,620.00

The above appropriation shall be payable from income, receipts and revenues derived from the operations of the Alabama State Docks Board.

(19) STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

For salaries and other expenses 155,000.00

For investigations and court costs 40,000.00

For equipment purchases. . . . 5,000.00

TOTAL 200,000.00

The above appropriations are payable from funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama, as amended, and Act No. 1049, 1975 Regular Session.

(20) ALABAMA ETHICS COMMISSION:

For operations of the Alabama Ethics Com-

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|---|--------------|--------------|
| mission | | 95,000.00 |
| The above appropriation is payable from funds in the State Treasury to the credit of the Alabama Ethics Commission and shall include the appropriation herein made in Item III A (51) in this Act. | | |
| (21) FARMERS MARKET AUTHORITY: | | |
| For salaries, other expenses and equipment purchases | | 48,925.00 |
| The above appropriation shall be payable from funds in the State Treasury to the credit of the Farmers Market Authority and shall include the appropriation herein made in Item III A (18) in this Act. | | |
| (22) DEPARTMENT OF FINANCE: | | |
| Data Systems Management: | | |
| For operations of Data Systems Management | | 292,413.00 |
| The above appropriation shall be payable from Data Systems Management Fund and shall include not more than \$142,500.00 of the appropriation herein made in Item III A (19) in this Act. | | |
| (23) FIRE MARSHALS' FUND: | | |
| For salaries | 135,000.00 | |
| For other expenses | 85,000.00 | |
| For equipment purchases. | 1,500.00 | |
| TOTAL | | 221,500.00 |
| The above appropriations shall be payable from the Fire Marshals' Fund as provided in Act 1938, 1971 Regular Session, as amended. Any balance in excess of \$50,000.00 at the end of the fiscal year shall be transferred to the State General Fund. | | |
| (24) ALABAMA FORESTRY COMMISSION: | | |
| For salaries, other expenses, equipment purchases and automotive equipment purchases | 5,035,450.00 | |
| For transfer to State Personnel Department | 15,458.00 | |
| For transfer to Telephone Revolving Fund | 19,440.00 | |
| TOTAL | | 5,070,348.00 |
| The funds hereinabove appropriated to the Forestry Commission shall be payable from the Forestry Commission Fund and the appropriations made to the said fund as provided in Item III A (20) in this Act. It is provided that in the event receipts into the Forestry Commission Fund from County appropriations exceed the sum of \$500,000.00 then such excess is hereby appropriated. It is further provided that in | | |

the event receipts into the Forestry Commission Fund from Federal Funds exceed the sum of \$1,552,000.00, then such excess is hereby appropriated.

In the event of an emergency, so determined by the Director of the Forestry Commission and the Governor, the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

(25) STATE BOARD OF REGISTRATION
FOR FORESTERS:

For other expenses	10,005.00
For equipment purchases.	<u>700.00</u>

TOTAL	10,705.00
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The above appropriations are payable from funds in the State Treasury to the credit of the Professional Foresters' Fund.

(26) LICENSING BOARD FOR THE
HEALING ARTS:

For salaries	49,829.00
For other expenses	16,850.00
For equipment purchases.	200.00
For automotive equipment purchases	<u>6,000.00</u>

TOTAL	72,879.00
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The above appropriations are payable from funds in the State Treasury to the credit of the Licensing Board for the Healing Arts.

(27) HEALTH DEPARTMENT

(a) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work	1,514,050.00
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The above appropriation is payable from funds transferred to this account from the General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session.

(b) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work	2,230,219.00
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The above appropriation is payable from funds transferred to this account from the General and Mental Health Fund as provided in Act No. 275, 1967 Regular Session, as amended.

(c) County Health Work:

- For salaries, other expenses and equipment purchases 2,572,104.00
 The above appropriation is payable from any funds transferred to this account in Item III A (24) (a), Item VI A (27) (a), VI A (27) (b), and Section 7 in this Act.
 In addition to the above appropriations, and funds received for this work from the several counties or the Federal Government are hereby appropriated.
- (d) Ambulance Operators (Emergency Medical Services):
 For salaries 12,766.00
 The above appropriation is payable from the Emergency Medical Services Fund as provided in Act No. 1590, 1971 Regular Session and shall include any funds transferred to this account in Item III A 25(a) in this Act.
- (e) Hearing Aid:
 For salaries 3,000.00
 For other expenses 10,000.00
 TOTAL 13,000.00
 The above appropriations are payable from funds in the Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session.
- (f) Hospital Licensing:
 For salaries 51,000.00
 For other expenses 8,000.00
 TOTAL 59,000.00
 The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and the appropriation hereinabove made shall include the appropriation made to the said fund as provided in Item III A 25(a) in this Act.
- (g) Medicaid:
 For operation of the Medicaid Program 175,483,000.00
 The above appropriation is payable from funds transferred to this account in Item III A 24(b) in this Act, and any and all funds received to the credit of the Medicaid Program from whatever source including all funds received from the Federal Government.
 (Provided no more than 10% override of 1/4 of budget can be spent in the first quarter, 5% override in the second

quarter. Budget must be balanced third and fourth quarters. Funds can be carried over from quarter to quarter and no funds will lapse if not spent in any quarter.)

- (h) Bureau of Vital Statistics:
 For salaries 377,100.00
 For other expenses 82,850.00
TOTAL. 459,950.00

The above appropriations are payable from funds in the Vital Statistics Fund.

- (i) Water Plant Operators
 Certifications:
 For expenses 4,000.00
TOTAL. 4,000.00

The above appropriation is payable from funds in the Water Plant Operators Certifications Fund as provided in Act No. 1594, 1971 Regular Session.

- (j) Water Well Standards
 Board, Alabama:
 For salaries 30,157.00
 For other expenses 13,100.00
 For equipment purchases. 1,000.00
TOTAL. 44,257.00

The above appropriations are payable from Water Well Standards Board Fund as provided in Act No. 1516, 1971 Regular Session.

(28) HIGHWAY DEPARTMENT:

- (1) There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.
- (2) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:
- (a) For transfer to the State Personnel Department 157,150.00
- (b) For administration of the State Highway Department for salaries, other expenses and equipment purchases 5,880,000.00

- (c) For operation of the State Highway Department for salaries, other expenses and equipment purchases. 555,500.00
- (d) For supervision of the State Highway Department for salaries, other expenses and equipment purchases. 10,063,000.00
- (e) For equipment purchases, road machinery and equipment, and other equipment 7,750,000.00
- (f) For maintenance of roads and bridges in the State Highway System, for salaries, other expenses and equipment purchases 34,342,062.00
- (g) For transfer to the Telephone Revolving Fund 112,808.00
- (h) For Board of Adjustment 175,000.00
- (i) For County Engineers' salaries 499,678.00
- (3) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:
 - (a) For Matching Federal Funds 28,095,000.00
 - (b) For construction of feeder roads and other portions of, or work in respect to, Federal Aid Projects for which portions or work Federal Matching Funds are not available 3,000,000.00
 - (c) For construction of roads and bridges for which no matching Federal Funds are available. 14,466,630.00

The Highway Director with the consent of the Governor and the Budget Officer shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.
- (4) In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable:
 - (a) In the event of such insufficiency in respect of the said revenues accruing the State Highway Department:
 - (1) the appropriations made in Section 1 hereof shall be paid in full-

- (2) the appropriations made in Section 2 hereof shall be paid in full-
- (3) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Section 3 hereof shall be allocated among the purposes referred to in said Section 3 in such order and with such priorities as the State Highway Director shall from time to time direct.
- (5) The funds appropriated in Section 3 hereof, for the matching of Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.
- (6) In addition to the appropriations hereinabove made there is hereby appropriated to the State Highway Department the funds accruing thereto from the so-called "Captive Counties" for road and bridge construction and maintenance, and for salaries, other expenses, equipment purchases and automotive equipment purchases related thereto to be expended only for the benefit of the particular county or counties from which such revenues are derived.
- (7) In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.
- (8) Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, the Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.
- (29) THE OFFICE OF HIGHWAY AND TRAFFIC SAFETY:
For salaries, other expenses, equipment purchases automotive equipment pur-

chases and safety program projects 2,432,750.00
 The above appropriation is payable from the funds transferred to this account in Item III A 25 in this Act, and any funds received for this work from the several counties, cities or the Federal Government.

(30) ALABAMA HISTORICAL COMMISSION:

For operation of the Alabama Historical Commission 339,484.00

For operation of the Cahaba Historical Site 6,650.00

The above appropriations shall be payable from the Alabama Historical Commission Fund transferred to this account in Item III A 26(a) (b) in this Act and all gifts, grants, contributions or other appropriations received by the Alabama Historical Commission from whatever source.

(31) DEPARTMENT OF INDUSTRIAL RELATIONS:

For salary of the Director 23,769.00

For transfer to the State Personnel Department 44,954.00

For transfer to Telephone Revolving Fund. 159,536.00

For other salaries and expenses incident to the operation and management of the Department, for U. S. Employment Service, U. S. Unemployment Compensation, and for such other funds, services and operations for which the United States Government may provide monies, there is hereby appropriated. In addition to the amounts appropriated herein in Item III A (27) all such sums as the United States Government may make available therefor.

(32) STATE INSURANCE FUND:

For salaries 225,289.00

For other expenses 70,000.00

For equipment purchases. 3,000.00

For automotive equipment purchases 14,500.00

TOTAL 312,789.00

The above appropriations are payable from the funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.

(33) LAW ENFORCEMENT FUND 10,000.00

The above appropriation shall be payable from the proceeds deposited to the credit of the Law Enforcement Fund pursuant to

to Title 29, Section 251, Code of Alabama 1940, as amended, and the expenditures authorized from such funds are limited to the amount appropriated herein.

(34) LIQUEFIED PETROLEUM GAS

BOARD:

For salary of Director.....	18,920.00
For other salaries	39,960.00
For other expenses	<u>21,896.00</u>

TOTAL 80,776.00

The above appropriations shall be payable from receipts paid into the Liquefied Petroleum Gas Fund.

(35) ALABAMA SPECIAL MENTAL HEALTH FUND:

(1) BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

(a) For the University of Alabama in Birmingham, for salaries, stipends and scholarships in Psychiatry; for the training of professional Mental Health personnel and psychiatric nurses, and state indigent mental patients. 2,200,000.00

(b) Center for Learning Disorders for Mental Retardation. 150,000.00

These appropriations under Section VI, (35) University of Alabama in Birmingham, are for the unrestricted support of these activities and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama, whether acting on their behalf or for others, are hereby prohibited from applying or taking into account in any manner whatsoever, any portion of these appropriations in determining reimbursement for patient care activities.

(2) TO STATE MENTAL HEALTH DEPARTMENT:

(a) For operation and maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals. 54,487,938.10

Conditional upon the condition of the Alabama Special Mental Health Fund and upon the approval of the Governor. 3,000,000.00

- (b) For operation and maintenance of Community Mental Health Programs 7,000,000.00
 (The appropriations hereinabove made in Items 1 and 2 shall be payable from the funds deposited in the State Treasury to the credit of the Special Mental Health Fund.)
- (36) DEPARTMENT OF MENTAL HEALTH:
 For transfer to the State Personnel Department 164,592.25
 For transfer to the Telephone Revolving Fund 186,440.00
 For support, maintenance and capital expenditures of the Department of Mental Health 85,663,428.85
 Total 86,014,460.10
 The above appropriations shall be payable from the Department of Mental Health Fund and shall be expended at the direction of the Alabama Mental Health Board.
- (37) BOARD OF NURSES' EXAMINERS AND REGISTRATION:
 For salaries 134,706.00
 For other expenses 169,000.00
 For equipment purchases. . . . 12,000.00
 For automotive equipment purchases 5,500.00
 Total 321,206.00
 The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.
- (38) BOARD OF NURSING HOME ADMINISTRATION:
 For expenses incident to the operation and maintenance of the Board of Nursing Home Administration 23,600.00
 The above appropriations shall be payable from receipts paid into the Board of Nursing Home Administration Fund.
- (39) PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:
 For salaries 90,421.00
 For other expenses 42,500.00
 For equipment purchases. . . . 5,000.00
 TOTAL 137,921.00
 The above appropriations shall be payable from the Peace Officers' Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session.

(40) PENSIONS:

- (a) For Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows. The above appropriation shall be payable from the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(41) DEPARTMENT OF PENSIONS AND SECURITY:

For salary of the Commissioner.....	23,769.00
For transfer to the State Personnel Department.....	134,684.00
For transfer to the Telephone Revolving Fund	126,496.00
For other salaries, expenses, equipment purchases and automotive equipment purchases incident to the operation and management of the Department for all welfare purposes as provided by law	189,876,377.00

Total 190,161,326.00

The above appropriations shall be payable from funds transferred to, or received by the Department of Pensions and Security Fund as provided in this or any other Act.

It is provided that not more than four thousand (4,000) employees shall be paid from the above appropriations.

It is further provided that in the event there shall not be sufficient funds available for payment of all appropriations made to the Department of Pensions and Security in this act, the following provisions shall be applicable and binding on the Department:

- (1) The Department of Pensions and Security shall not during the fiscal year beginning October 1, 1976, reduce any payment or benefit to any Public Assistance Program in effect on October 1, 1976, including but not limited to old age pensions, aid to the blind, aid to dependent children and aid to permanent and totally disabled.

(42) PERSONNEL DEPARTMENT:

For salary of the Director ...	23,645.25
For other salaries	505,000.00

For other expenses	169,355.00	
For equipment purchases . . .	10,000.00	
For automotive equipment purchases	<u>6,000.00</u>	
Total		714,000.25
The above appropriations shall be payable from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.		
(43) BOARD OF EXAMINERS OF PSY- CHOLOGY:		
For salaries, other expenses, and equipment purchases		2,640.00
The above appropriations shall be payable from the receipts paid into the Board of Examiners of Psychology Fund.		
(44) BUREAU OF PUBLICITY AND IN- FORMATION:		
(a) For operation of the Department:		
For salary of the Director.	23,749.00	
For salaries, other ex- penses, and equipment purchases	295,000.00	
For advertising	<u>700,000.00</u>	
TOTAL		1,018,749.00
(b) For state travel adver- tising and travel promo- tion:		
For Alonzo Stagg Bowl . .	4,500.00	
For Ava Maria Grotto . . .	2,250.00	
For Blue & Gray Football Game	9,000.00	
For Gulf Shores Tourist Assn	13,500.00	
For Guntersville Boat Races	8,550.00	
For Alabama Travel Council	15,000.00	
For Lake Eufaula Festival	9,000.00	
For Mobile Carnival Assoc	4,500.00	
For Mobile Junior Miss Pageant	22,500.00	
For Mountain Lake Asso- ciation	18,000.00	
For National Peanut Festival Association . . .	9,000.00	
For Spirit of America Festival	4,500.00	
For Anniston Shakespeare Festival	7,500.00	
For Chilton County Peach Festival	7,500.00	
For Alabama Film Com- mission	20,000.00	

For Pea River Historical
and Genealogy Society . . . 5,000.00
Total

160,300.00

(c) Welcome Centers:

For salaries, other expenses, and equip-
ment purchases

252,900.00

- (d) The above appropriations in (a) (b) and
(c) shall be payable from the receipts
collected under the provisions of Act
No. 269, 1963 Regular Session and
from other funds accruing to the
benefit of the Bureau of Publicity
and Information.

(45) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived
from the levy of the special annual tax of
thirty cents on each one hundred dollars
(\$100.00) of taxable property in this State
for the support and maintenance of the
public schools and from other funds
mentioned and enumerated in Sections 257,
258 and 260 of the Constitution of 1901;
and the amount appropriated from all other
funds as is now provided by law, provided,
however, not more than four percent of all
funds appropriated in this Section shall be
used or expended otherwise than for the
payment of teachers employed in such
schools.

(46) PUBLIC SERVICE COMMISSION:

For salary of the President
and Two Associate Com-
missioners 62,085.00
For other salaries 1,250,000.00
For other expenses 400,000.00
For equipment purchases . . . 20,000.00
For automotive equipment
purchases 44,000.00
For transfer to Telephone
Revolving Fund 16,740.00

1,792,825.00

Total
The above appropriations to the Alabama
Public Service Commission shall be
payable only from inspection and super-
vision fees paid by utilities and trans-
portation companies and such parts or
percentage of fees and taxes paid by motor
carrier or motor transportation companies
as are now or may be set aside by law to be
used by the Commission. Any surplus
remaining in the Alabama Public Service
Commission at the end of the fiscal year in
excess of \$300,000.00 shall be transferred
to the State General Fund.

(47) ALABAMA REAL ESTATE COM-
MISSION:

For salaries	160,000.00
For other expenses	90,000.00
For equipment purchases.	<u>15,000.00</u>

Total	265,000.00
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The above appropriations shall be payable from the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(48) DEPARTMENT OF REVENUE:

Auto Title and Auto Theft Fund:

For expenses incident to the operation of the Auto Title and Auto Theft Act	850,000.00
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The above appropriation shall be payable from funds in the State Treasury to the credit of the Auto Title and Auto Theft Fund and shall include the appropriation made in Item III A (41) (b).

(49) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (41) (a) of this Act

1,432,948.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax Collections as part of the cost of operating said Department.

147,543.00

There is hereby appropriated for transfer to Revenue Department, Administration Account from the gross proceeds of the Forest Severance Tax Collections as part of the cost of operating said Department ..

150,380.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Gasoline Tax Collections as part of the cost of operating said Department

987,400.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Income Tax Collections for the cost of collecting said tax.

3,279,984.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Fuel Tax Collections as part of the cost of operating said Department

570,309.00

There is hereby appropriated for transfer to Revenue Department, Administrative

Account from the gross proceeds of Motor Vehicle License Collections as part of the cost of operating said Department	577,402.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	175,916.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	435,534.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Sales Tax Collections as part of the cost of operating said Department	4,563,888.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Tobacco Tax Collections as part of the cost of operating said Department	940,584.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Use Tax Collections as part of the cost of operating said Department	449,721.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Cigarette Tax Collections Act 275, 1967 Regular Session as part of the cost of operating said Department	190,103.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session	293,666.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .	1,707,750.00

(50) DEPARTMENT OF REVENUE—ADMINISTRATIVE ACCOUNT:

For salary of the Commissioner	23,758.94
For other salaries	9,453,929.00
For other expenses	3,491,466.80
For equipment purchases	30,000.00
For automotive equipment purchases	22,000.00
For transfer to State Personnel Department	31,450.00

For transfer to Telephone Revolving Fund	29,160.00	
Total		13,081,764.74

The amounts hereinabove appropriated for the cost of maintenance and operation of the Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount, hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

(51) STATE BOARD OF REGISTRATION
FOR SANITARIANS:

For salaries	300.00	
For other expenses	1,600.00	
TOTAL		1,900.00

The above appropriations shall be payable from the receipts collected under the provisions of Act No. 209, 1964 Second Special Session.

(52) ALABAMA THERAPIST BOARD:

For expenses and equipment purchases	9,200.00	
The above appropriations shall be payable from receipts paid into the Alabama Therapist Board Fund.		

(53) STATE BOARD OF VETERINARY
MEDICAL EXAMINERS:

For salaries, other expenses, and equipment purchases	12,600.00	
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The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

(54) HISTORICAL CHATTAHOOCHEE COM-
MISSION:

For salaries, other expenses and equipment purchases for operation of the Historical Chattahoochee Commission to be paid from that Commission's Fund	60,000.00	
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This appropriation is made from funds that have accrued to this fund from prior appropriations.

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department,

bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission, or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for those appropriations designated as "estimated" and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall either maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provisions of this appropriation.

Section 6. In addition to appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. There is hereby appropriated the following amounts which are anticipated to be received by the State of Alabama during the period October 1, 1976 through September 30, 1977, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, 1972.

- | | |
|--|---------------|
| A. To Highway Department for equipment purchases | 900,000.00 |
| B. To Department of Mental Health to be used for operation and maintenance | 8,000,000.00 |
| C. To Highway Department for operations, maintenance and construction. | 18,000,000.00 |

D. To Board of Corrections for operations and maintenance of the penal system	5,000,000.00
E. For Economic and Community Development	1,000,000.00
F. For General Government	100,000.00
Total	33,000,000.00

In the event that the amount of funds actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing after the effective date of this Act are hereby appropriated for General Government. In the event that the amount of funds actually received is less than the anticipated grants or entitlement, then each appropriation contained in Section 7 shall be reduced on a pro rata basis.

Section 8. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1976 for such items, unless approved or reapproved on or after October 1, 1976, by the Division of Data System Management and the Director of Finance.

Section 9. It is the intention of the Legislature that all departments and agencies refrain from renting, or leasing any additional space during the fiscal year beginning October 1, 1976, unless said additional space would serve an essential function. The Legislature has become concerned with the great expansion of State Government in terms of number of employees and space required. The Legislature hereby requests that if any additional rental or lease space is acquired during said fiscal year that a written explanation of the need be filed with the Director of Finance and with the Chairman of Senate Committee on Finance and Taxation and the House Committee on Ways and Means at the time of entering into the rental or lease agreement.

Section 10. It is the intention of the Legislature that no new State employees which are paid out of the General Fund or any other fund enumerated in this Act be hired in any department, board, commission, or agency during the fiscal year commencing October 1, 1976, and each section, department, board, commission, or agency is urged to reduce the total number of employees by attrition in order to avoid the requirement of new taxes in the future. Therefore, each department, board, commission, or agency is hereby requested that as to each new employee hired in the fiscal year beginning October 1, 1976, a statement as to the reason and need for the hiring of said additional employee be filed with the Governor and the Chairmen of the Senate Committee on Finance and Taxation and the House Committee on Ways and Means, said statement reflecting the reason for the need to hire said employee.

Section 11. It is intended by the Legislature that the purchase of motor vehicles by any department, bureau, board, commission, or agency during the fiscal year beginning October 1, 1976, be restricted to essential functions and to vehicles used for law enforcement purposes only. The Legislature is concerned with the great expansion of State Government in the area of use of state vehicles and hereby requests each department and agency to comply with the spirit and intent of this section.

Section 12. No funds appropriated by this Act shall be used to employ attorneys by any department, board, bureau, commission, or agency of State Government who are not subject to the State Merit System Law unless such appointment shall be approved by the Governor.

Section 13. Funds appropriated and allocated under the provisions of this Act shall not be expended, used, or disbursed by departments, bureaus, boards, commissions, or any other agency of State Government until such departments, bureaus, boards, commissions, or agencies of State Government shall have enacted an affirmative action plan that mandates equal employment opportunities.

Section 14. All State departments, commissions, bureaus and agency directors or chief administrative officers except the Governor and the Director of Finance shall file with the Governor written quarterly reports which outline fund allocations and expenditures of their respective departments, commissions, bureaus and agencies. These reports shall be made by the 15th day of the month following the completion of each quarter in the fiscal year. The governor shall then transmit copies of such reports to the Chairmen of the Finance and Taxation Committee and the Ways and Means Committee. Any other agency of government or other group of entity not a part of State Government that receives state appropriations under this section shall file the reports required of State agencies under this section. The reports required by this section shall be in addition to any reports, written or otherwise, now required of any department in State Government.

Section 15. No funds appropriated under this Act shall be used to pay the following law enforcement benefits heretofore established by Acts of the Legislature:

- (1) Subsistence payments (Act No. 763, Regular Session, 1973),
- (2) Longevity pay (Act No. 206, Third Special Session, 1975),
- (3) Overtime pay (Act No. 127, Fourth Special Session, 1975),

to any state employees, other than to state employees regularly assigned to law enforcement duties. In no event, however, shall funds appropriated hereunder be used to pay any of the above mentioned benefits to Cabinet Members, Department or Agency heads, Assistant Department or Agency heads. Nothing contained in this Section shall prohibit the payment of subsistence, longevity, or overtime pay to state employees who are classified under the state merit system law as state law enforcement officers in any state department or agency.

Section 16. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 17. That all laws and parts of laws, general, special, private, or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 18. That this Act shall become effective October 1, 1976.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 387, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 30; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 30

Nay: Mr. Perry.

— 1

And said Bill, H. B. 387, as thus amended by the Conference Report, was then read at length and passed.

Yeas 26; Nays 5.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

— 26

Nays:

Messrs. Jones, Perry, Stewart, Waldrop, Wilson.

— 5

BILLS ON THIRD READING RESUMED

The Bill:

S. 377. To prescribe a procedure for complaints, investigations, findings and recommendations where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

was taken up.

Mr. Edwards offered the following amendment to the Bill, S. B. 377, to-wit:

AMENDMENT TO S. B. 377

Amend Senate Bill No. 377 Page 5 Line 23, by striking out "as it" after the word "matters" and inserting therefor:

"nor shall the findings or recommendations of the committee be admissible as evidence in any court of law. It"

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Waldrop, Wilson.

—28

Nays:

—0

And said Bill, S. B. 377, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—26

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Owens:

H. 110. To amend Section 158 of Act 407, HB 198, Regular Session, 1971, (Acts of Alabama, 1971, Volume II, Page 792, as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Also:

By Messrs. Manley, Cross, Roberts, Mitchem, Martin, McCluskey, Callahan, Higginbotham, Kinsey, Merrill, Teague, Sandusky, McMillan, Sonnier, Harris, Plaster, Hines, Barron, Crowe, Naramore, Carter and Owens:

H. 980. This Bill authorizes the State of Alabama Highway Department to establish and supervise a state plan for safe, effective and efficient rail transportation services; to perform all planning necessary pursuant to the provisions of the federal Rail Revitalization and Regulatory Reform Act of 1976, and any subsequent federal legislation, rules or regulations; authorizes the expenditure of federal funds and a nominal amount of State funds for this program; and make the necessary appropriation from the General Fund of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 110. To the Committee on Insurance.

H. B. 980. To the Committee on Rules.

MOTION TO ADJOURN LOST

At 6:10 P.M., Mr. Fine moved that the Senate adjourn until Tuesday, August 10, 1976, at 2 o'clock P.M., which motion was lost.

Yeas 11; Nays 18.

Yeas:

Messrs. Bank, Fine, Jones, Littleton, McDonald (A), Mitchell, Perloff, Powell, Shelby, Torbert, Waldrop.

— 11

Nays:

Messrs. Adams, Baker, Edwards, Ellis, Flippo, Gilmore, King, Little, McDonald (S), McMillan, Noonan, Pearson, Perry, Roberts, St. John, Stewart, Vacca, Wilson.

— 18

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Cooper, Hines and Robertson:

H. 45. Relating to the establishment and operation by the Board of Education of schools at the various units of the Board of Corrections.

Also:

By Mr. Smith (B):

H. 497. To provide for a voluntary anatomical gift by executing a statement on state drivers' licenses and to require that a statement be

provided for, for such voluntary gifts, on the reverse side of all issued drivers' licenses.

Also:

By Messrs. McCulley and Kennedy:

H. 1202. To provide that all liquified petroleum gas which is purchased from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent and prescribes penalties for the violation of the provisions of the act.

Also:

By Messrs. Pegues, Edwards and Lockett:

H. 601. To amend Title 23, Section 16, Code of Alabama 1940, as amended, which relates to the right of the highway department to promulgate rules and regulations, so as to give counties the same authority regarding county rights-of-way that the state has in regard to state rights-of-way.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 45, 497 and 1202. To the Committee on Rules.

H. B. 601. To the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

S. 73. Requiring insurance companies to state specifically to their insured the reasons for cancellation and certain other actions, and requires that a cancelled insured receive a copy of certain correspondence from his cancelling insurance company subsequent to the cancellation, and provides penalty for violations.

was taken up.

Mr. McDonald (A) moved that further consideration of the Bill, S. B. 73, be postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Crowe:

H. 850. To levy a privilege or license fee on nursing homes; to prescribe the rates thereof; to provide for the issuance of a nursing home

license; to provide for the method of collecting such fees and the method of enforcing payment thereof; to provide for the disposition of the proceeds of such fees; to make an annual appropriation for nursing home operation; to provide for an incentive reimbursement program; and to further regulate eligibility for Medicaid benefits.

Also:

By Mr. Lee:

H. 1253. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; to authorize and provide for the payment out of the county treasury of pension or retirement allowances, under certain circumstances, to judges of the county court.

Also:

By Mr. Cates:

H. 452. To amend the title and Sections 2, 59 and 61 of Act No. 1038, H. 1005, 1973 Regular Session [Acts of 1973, p. 1572; now appearing in Code of Alabama, Recompiled 1958, Title 35 §§ 185(1)-185(134)] entitled, "An Act To create a uniform military code by rewriting Sections 1-185 and Sections 203-349 of Title 35, Code of Alabama and amendments thereto, to provide for the Alabama National Guard and naval militia and to provide for the Alabama State Guard; to provide for the training, regulation, maintenance and appropriations therefor; to establish the state military department and office of the Adjutant General and to prescribe the duties, authority, and power of such department and office; to establish a uniform code of military justice and to provide other authority incidental to the proper establishment and maintenance of the Alabama National Guard, naval militia, and the Alabama State Guard;" so as to establish the term of office for general officers and to provide for their appointment and removal; to provide that the adjutant general and deputy adjutant general shall be full time employees of the state and shall hold no other position of employment.

Also:

By Messrs. Killian and Taylor:

H. 402. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Also:

By Mr. Shelton:

H. 904. To remove all water works systems having 100 customers or less from regulation by the Public Service Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 850, 452, 402, and 904. To the Committee on Rules.

H. B. 1253. To the Committee on Local Legislation No. 1.

REPORT FROM RULES

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Ralph "Shug" Jordan to the Board of Trustees of Auburn University.

On motion of Mr. Fine, the appointment of Mr. Jordan was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

— 26

Nays:

— 0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Fine, further consideration of all Senate Bills remaining on the Calendar, with the exception of S. B.'s 47 and 67, was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Sparks and Drake:

H. 220. To further amend Act No. 1122, S. 408, Legislature of 1969, Regular Session, (Acts of Alabama of 1969 and 1970, Vol. III, p. 2077), as last amended, which relates to State aid for the promotion of agriculture and agricultural fairs for prizes and premium awards from funds appropriated to the Agricultural Center Board for such purposes; amend Section 9 and Section 13, as amended, of said Act No. 1122 of the Legislature of 1969 (Regular Session) relating to the amount of administrative expenses authorized to be expended by the Agricultural Center Board for administration of said Act and the maximum annual per diem and travel allowance of the Special Awards Committee for Fairs.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 220. To the Committee on Finance and Taxation.

REPORT FROM RULES

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 69. URGING FULL IMPLEMENTATION OF THE GOVERNOR'S COST CONTROL SURVEY.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 23. CALLING FOR A MORATORIUM ON THE CONSTRUCTION OF NURSING HOMES IN THIS STATE.

On motion of Mr. Jones, said Resolution was then adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 30. RESOLUTION NAMING THE RESIDENT HALL AT GADSDEN STATE JUNIOR COLLEGE THE LEWIS W. FOWLER BUILDING.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 36. ENCOURAGING PHENIX CUTTING AND SEWING PLANT, INC. TO REMAIN IN PHENIX CITY, ALABAMA.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 73. RELATIVE TO NEED FOR HEALTH CARE FACILITIES IN WEST ALABAMA.

On motion of Mr. Shelby, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 77. CREATING AN INTERIM COMMITTEE TO STUDY THE MERIT SYSTEM.

Under the provisions of Senate Rule 76 (B), the above Resolution, H. J. R. 77, was re-referred to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sonnier:

H. 165. To place supervision of public water systems of the state; to empower the State Board of Health to promulgate State Primary and Secondary Drinking Water Regulations; to provide for variances and exemptions; to exercise emergency powers to prevent imminent hazards; to establish procedures for notification of users and concerned agencies of violations which could present health hazards; to require submission of samples and analysis thereof; to establish procedures for permit to furnish water; to provide for penalties and remedies; to provide for the administration of the Act; to punish violators; to allow appeal; and to establish the Safe Drinking Water Fund and appropriate from the said fund.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 165. To the Committee on Rules.

REPORT FROM RULES

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 62. URGING CONGRESS TO SUPPORT THE GENERAL REVENUE SHARING PROGRAM.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 28. REQUESTING STATE AGENCIES TO FILE MORE SIMPLE ANNUAL REPORTS.

The Standing Committee on Rules reported the following amendment to the Resolution, H. J. R. 28, to-wit:

AMENDMENT TO H. J. R. 28

Amend H. J. R. 28 in Line 28 by deleting the period after the word "therein" and insert the following words:

"and to state on the front cover of the report, the cost of the preparation of such reports."

Which was adopted.

And on motion of Mr. Littleton, said Resolution, H. J. R. 28, as thus amended, was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 275. NAMING THE NEW INTERCOASTAL CANAL BRIDGE ON HIGHWAY 59 IN BALDWIN COUNTY THE "DR. W. C. HOLMES BRIDGE".

On motion of Mr. Owen, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 100. REQUESTING STATE AGENCIES TO FILE MORE SIMPLE ANNUAL REPORTS.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 83. NAMING THE BASEBALL FIELD AT ATHENS STATE COLLEGE THE "JOHN W. MOORE FIELD".

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 47. EXPRESSING CONCERN AND OPPOSITION TO PROPOSED PLANS TO CLOSE NUMEROUS SMALL AND RURAL POST OFFICES.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 326. CREATING A SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 326, to-wit:

COMMITTEE SUBSTITUTE FOR H. J. R. 326

H. J. R. 326. CREATING A SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

WHEREAS, the Medicare and Medicaid programs of the State of Alabama are taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, the nursing home programs under the medicare and medicaid programs are costing more and more; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of these programs to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of five members of the House and four members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicare and medicaid program with particular emphasis on the increasing cost to the state of such programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1977 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The Committee shall be limited to ten meeting days.

Which was adopted.

And on motion of Mr. Vacca, said Resolution, H. J. R. 326, as thus amended by the substitute, was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 78. MEMORIALIZING CONGRESS TO PASS HOUSE BILL 5626 THAT ALLOWS FOOD STAMP RECIPIENTS TO PURCHASE SEED FROM GARDEN SUPPLY STORES.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 291. COMMENDING MR. JERRY BELK AND THE BOARD AND STAFF OF TUSCALOOSA COUNTY PARK AND RECREATION AUTHORITY.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 293. HONORING JUDGE ERIS F. PAUL UPON HIS RETIREMENT.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 281. DESIGNATING A CERTAIN PORTION OF HIGHWAY 21 "THE JACKSONVILLE STATE UNIVERSITY HIGHWAY."

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 279. CONGRATULATING JENNIFER CHANDLER UPON WINNING AN OLYMPIC GOLD MEDAL.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 276. COMMENDING THOSE PEOPLE INSTRUMENTAL IN THE SUCCESSFUL SCOTTSBORO BICENTENNIAL CELEBRATION.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 227. PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 201. NAMING A PORTION OF ALABAMA HIGHWAY 20 AND U.S. 72 SPACE MUSEUM BOULEVARD.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Drake:

H. J. R. 328. MEMORIALIZING CONGRESS TO ACT QUICKLY ON THE SWINE FLU INNOCULATION PROGRAM.

Also:

By Mr. Reed:

H. J. R. 329. COMMENDING MR. CHARLES WALLACE FOR SELECTING MACON COUNTY AS THE SITE OF HIS OIL REFINERY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R.'s 328 and 329, set out in the foregoing Message from the House, were read and returned to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. J. R. 94

The Senate proceeded to further consideration of the Resolution:

S. J. R. 94. ESTABLISHING PRIORITY PROCEDURE FOR PASSAGE OF THE TWO BUDGET BILLS.

said Resolution having been reported favorably from the Standing Committee on Rules on the Twentieth Legislative Day.

On motion of Mr. Owen, further consideration of the Resolution, S. J. R. 94, was indefinitely postponed.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 89.

S. J. R. 90.

S. J. R. 91.

S. J. R. 92.

Delivered to the Governor August 3, 1976, at 5:35 P.M.

S. B. 353.

S. B. 115.

Delivered to the Governor August 5, 1976, at 11:45 A.M.

S. J. R. 83.

S. J. R. 101.

S. J. R. 105.

Delivered to the Governor August 5, 1976, at 5 o'clock P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7:15 P.M., on motion of Mr. Baker, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 73 and 120, the Senate adjourned until Tuesday, August 10, 1976, at 2:15 P.M.

Yeas 14; Nays 12.

Yeas:

Messrs. Baker, Bank, Fine, Flipppo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), Mims, Powell, St. John, Shelby, Waldrop.

— 14

Nays:

Messrs. Adams, Ellis, King, Little, McMillan, Noonan, Pearson, Perry, Roberts, Stewart, Torbert, Vacca.

— 12

TWENTY-NINTH LEGISLATIVE DAY

TUESDAY, AUGUST 10, 1976

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend William Fears, Pastor, First United Methodist Church, Attalla, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 32

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-eighth Legislative Day and finds same correct and

containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,
Acting Chairman.

COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journal of the Senate for the Twenty-eighth Legislative Day was approved by the Senate.

STATEMENT BY PRESIDING OFFICER

The President and Presiding Officer declared that, pursuant to the provisions of Section 60, Article IV, of the Constitution of Alabama of 1901, and Section 162 of Title 41, Code of Alabama 1940, the Senate seat for the 25th Senatorial District is vacant as of Friday, August 4, 1976.

COMMITTEE APPOINTMENTS ANNOUNCED

The President and Presiding Officer announced that the following Senators had been appointed to fill the following Committee vacancies:

Senator U. W. Clemon—to the Committee on Rules.

Senator Jerry A. Powell, Jr.—to the Committee on Finance and Taxation.

Senator Maston Mims—to the Committee on Commerce, Transportation and Utilities.

BILL RE-REFERRED

Mr. Littleton moved that the Bill, H. B. 980, be removed from the Standing Committee on Rules and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 980, re-referred to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 110. RELATIVE TO A STUDY OF TEACHER UNITS IN ELEMENTARY-SECONDARY SCHOOLS.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 133. CONGRATULATING THE DECATUR

AMERICAN LEAGUE DIXIE YOUTH ALL-STARS UPON WINNING THE DIXIE YOUTH STATE CHAMPIONSHIP.

WHEREAS, the Decatur American League Dixie Youth All-Stars won the Dixie Youth State Championship on August 6, 1976; and

WHEREAS, the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, the managers Gene Estis, Ray Ellis, and Mart Wade are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win that are necessary for a winning team; and

WHEREAS, the All-Stars will go on to the Dixie Youth World Series in Red Bank, Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the Decatur American League Dixie Youth All-Star Team upon winning the Dixie Youth State Championship, and we wish them the best of luck in the Dixie Youth World Series.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the above mentioned managers and each team member listed below: Michael Jo Anderson, Philip Dalton, Jr., Michael Ted Gibson, Daniel Shawn Keeny, Ralph Stephen Averitt, Byron Keith Echols, Byron Blake Hood, Joseph Pruitt Parker, III, Tony Lee Stukes, John Ray Ellis, Jr., Jeffery Eric Johnson, Charles Edward Cutcheons, Jr., Michael Douglas Wade, William Patrick O'Brien, Jackson Kirk Howell, and Mark Wesley Wipperman.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owens (with notice and proof):

H. 1075. To further amend Section 1 of Act No. 869, H. 1197, 1969 Regular Session (Acts 1969, p. 1579), as amended, which act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones (With Substitute):

S. J. R. 118. Creating a Joint Interim Committee to study the serious problem of parking for State employees in Montgomery.

By Messrs. Rich and Crowe (With Substitute):

H. J. R. 77. Creating a Joint Interim Committee to study the State Merit System.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Plaster:

H. J. R. 173. H. J. R. to amend H. J. R. 370 (Act 866) of the 1975 Regular Session relating to the State Fort and Historic Trail Council.

By Mr. Kelley:

H. J. R. 174. HJR to amend HJR 377 (Act 889) of the 1975 Regular Session relating to the Council of Alabama Archaeology and the Alabama Archaeological Advisory Committee.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (With Substitute):

H. J. R. 203. Continuing the work of the Joint Interim Committee on Agriculture established by H. J. R. 18, Act No. 22, Organizational Session of the 1975 Legislature.

By Mr. McCluskey (With Substitute):

H. J. R. 210. To amend the House Joint Resolution that created an Interim Committee to study the tax structure of the State of Alabama and the distribution of tax revenues.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Crowe and Robertson:

H. J. R. 282. Creating a Joint Interim Committee to study wood fiber and requirements for facilities to export wood chips world-wide.

By Mr. Smith (C):

H. J. R. 289. Continuing the work of the Joint Interim Committee to study the needs of Vocational Education in Alabama established by S. J. R. 29, Act No. 126, Fourth Special Session of the 1975 Legislature (Acts 1975, P. 2823).

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Boles, Howard and Armstrong:

H. 75. To re-divide the state into judicial circuits so as to create a thirty-ninth judicial circuit consisting of that part of Jefferson County known as the "Bessemer Cut-off"; and to provide for the judgeships in such circuit and for the office of district attorney therein.

By Messrs. Lee, Johnson, Robertson, Howard, Clark and Owens:

H. 84. To name the Tuscaloosa State Technical College the C. A. Fredd State Technical College.

By Messrs. Sparks and Drake:

H. 220. To further amend Act No. 1122, S. 408, Legislature of 1969, Regular Session, (Acts of Alabama of 1969 and 1970, Vol. III, p. 2077), as last amended, which relates to State aid for the promotion of agriculture and agricultural fairs for prizes and premium awards from funds appropriated to the Agricultural Center Board for such purposes; amend Section 9 and Section 13, as amended, of said Act No. 1122 of the Legislature of 1969 (Regular Session) relating to the amount of administrative expenses authorized to be expended by the Agricultural Center Board for administration of said Act and the maximum annual per diem and travel allowance of the Special Awards Committee for Fairs.

By Messrs. Sandusky, Sonnier, Kinsey, Hines and Cooper:

H. 254. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

By Mr. Edwards:

H. 694. To amend Section 520, Title 52, Code of Alabama 1940, as amended, relating to the appointment of the board of trustees of the Alabama Institute for Deaf and Blind, so as to provide further for the appointment of board members.

By Mr. Reed:

H. 778. To provide a scholarship program to promote the education of nurses at the school of nursing of Tuskegee Institute; to make an appropriation for Tuskegee Institute, Jefferson State Junior College, Gadsden State Junior College, Northwest Alabama Junior College, George C. Wallace Junior College at Dothan, Chattahoochee Valley Community College, George C. Wallace Community College at Selma and Lurleen B. Wallace Jr. College.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McNair (With Amendment):

H. 968. To authorize and direct the Alabama Board of Nursing, to

promote continuing education for nurses and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Manley, et al:

H. 980. This Bill authorizes the State of Alabama Highway Department to establish and supervise a state plan for safe, effective and efficient rail transportation services; to perform all planning necessary pursuant to the provisions of the federal Rail Revitalization and Regulatory Reform Act of 1976, and any subsequent federal legislation, rules or regulations; authorizes the expenditure of federal funds and a nominal amount of State funds for this program; and make the necessary appropriation from the General Fund of the State of Alabama.

By Mr. Callahan, et al:

H. 1033. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$12,000,000 principal amount of revenue bonds for the purpose of the improvement of existing seaport facilities and the construction and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the full faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in an order of the Director of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special processing charge; the pledge of the special processing charge for payment of the principal of and interest on the bonds issued hereunder and that such pledge will constitute a first charge on the special processing charge so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

By Mr. Brindley, et al:

H. 1015. To validate in certain cases elections heretofore held in any school district or in any county at large for the purpose of authorizing a special tax for any school or educational purpose, or for school or educational purposes generally, under the constitution or any amendment thereto, or for the purpose of authorizing the consolidation of school districts and the levy of such tax in the consolidated district resulting from such consolidation.

By Messrs. Lutz, Riddick and Moore (W):

H. 1062. To name the Ambulatory Care Center building of the School of Primary Medical Care of The University of Alabama in Huntsville The George C. Wallace Ambulatory Care Center in honor of Governor George C. Wallace.

By Messrs. Mitchem and Kelley (with notice and proof):

H. 1108. Relating to Marshall County; providing that certain county prisoners and state prisoners who are housed in county or city jails of Marshall County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jackson (R) (With Amendments):

H. 219. Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hilliard:

H. 747. To provide, in cities having a population of 300,000 or more inhabitants according to the last or any subsequent federal decennial census, for the licensing and regulation of retail establishments serving food and beverages as their principal source of income, to operate and maintain coin operated pool or billiard tables, and to provide for the revocation of any such license.

By Mr. Andrews (with notice and proof):

H. 998. To amend Section 2 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955 entitled "An Act To provide a separate

retirement and relief system for certain of the presently active employees of the city of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, as reenacted and amended: to include in said separate system dependents of said presently active employees: and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents:"

By Mr. Falkenburg, et al (with notice and proof):

H. 1168. To provide for the relief of Charles John Salors by granting to him the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Cooper, Hines and Robertson:

H. 45. Relating to the establishment and operation by the Board of Education of schools at the various units of the Board of Corrections.

By Mr. Sonnier:

H. 165. To place supervision of public water systems of the state; to empower the State Board of Health to promulgate State Primary and Secondary Drinking Water Regulations; to provide for variances and exemptions; to exercise emergency powers to prevent imminent hazards; to establish procedures for notification of users and concerned agencies of violations which could present health hazards; to require submission of samples and analysis thereof; to establish procedures for permit to furnish water; to provide for penalties and remedies; to provide for the administration of the Act; to punish violators; to allow appeal; and to establish the Safe Drinking Water Fund and appropriate from the said fund.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Killian and Taylor (With Amendment):

H. 402. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cates:

H. 452. To amend the title and Sections 2, 59 and 61 of Act No. 1038, H. 1005, 1973 Regular Session [Acts of 1973, p. 1572; now appearing in Code of Alabama, Recompiled 1958, Title 35 §§ 185(1)-185(134)] entitled, "An Act To create a uniform military code by rewriting Sections 1-185 and Sections 203-349 of Title 35, Code of Alabama and amendments thereto, to provide for the Alabama National Guard and naval militia and to provide for the Alabama State Guard; to provide for the training, regulation, maintenance and appropriations therefor; to establish the state military department and office of the Adjutant General and to prescribe the duties, authority, and power of such department and office; to establish a uniform code of military justice and to provide other authority incidental to the proper establishment and maintenance of the Alabama National Guard, naval militia, and the Alabama State Guard;" so as to establish the term of office for general officers and to provide for their appointment and removal; to provide that the adjutant general and deputy adjutant general shall be full time employees of the state and shall hold no other position of employment.

By Mr. Smith (B):

H. 497. To provide for a voluntary anatomical gift by executing a statement on state drivers' licenses and to require that a statement be provided for, for such voluntary gifts, on the reverse side of all issued drivers' licenses.

By Mr. Crowe:

H. 850. To levy a privilege or license fee on nursing homes; to prescribe the rates thereof; to provide for the issuance of a nursing home license; to provide for the method of collecting such fees and the method of enforcing payment thereof; to provide for the disposition of the proceeds of such fees; to make an annual appropriation for nursing home operation; to provide for an incentive reimbursement program; and to further regulate eligibility for Medicaid benefits.

By Mr. Shelton:

H. 904. To remove all water works systems having 100 customers or less from regulation by the Public Service Commission.

By Messrs. McCulley and Kennedy:

H. 1202. To provide that all liquified petroleum gas which is purchased from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent and prescribes penalties for the violation of the provisions of the act.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owens:

H. 355. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses, exempting non-residents under the age of sixteen (16) from having to purchase hunting licenses.

By Mr. Owens:

H. 356. To amend Sections 39, 40 and 41 of Title 8, Code of Alabama 1940, as amended, pertaining to non-resident annual and trip fishing licenses, and the penalty for fishing without a license.

Mr. Flippo, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Folmar, Merrill, McCorquodale and Plaster:

H. 412. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permits.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Warren (with notice and proof):

H. 1071. Providing for purging the lists of registered voters in Conecuh County; requiring and prescribing the procedure for purging the lists of registered voters; placing certain duties on the board of registrars, election officials and the county governing body relative to the purging of registered voter lists.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hines (with notice and proof):

H. 1266. Relating to Escambia County; providing salaries for the chairman and associate members of the Escambia County Commission.

By Mr. Hines (with notice and proof):

H. 1267. Relating to Escambia County; to abolish the jury commission of said county and create in lieu thereof a jury board, providing for the appointment of the members and clerks and assistants thereof, and for their qualifications, duties, compensation, and tenure.

By Messrs. Hill, Coburn and Greer (with notice and proof):

H. 1270. To alter, rearrange and extend the boundary lines and corporate limits of the City of St. Florian in Lauderdale County.

By Messrs. Coburn, Hill and Greer (with notice and proof):

H. 1271. Relating to Lauderdale County; amending Section 1 of Act No. 462, H. 1170 of the 1975 Regular Session (Acts 1975, Vol. II, p. 1088) so as to set the salary of the clerk of the jury commission who

inadvertently was omitted from said Act; making such salary retroactive to March 1, 1975.

By Messrs. Starkey and Lutz (with notice and proof):

H. 1272. To require Jackson County to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

By Messrs. Williams and Sasser (with notice and proof):

H. 1273. To amend Section 2 of Act No. 74, H. 39 of the Special Session of 1967 (Acts 1967, p. 105), as amended, entitled "An Act To apply only in Dale County; creating a board of jury supervisors in lieu of the jury commission; providing for the transfer of the power, authority, duties and jurisdiction of the jury commission to said board, and abolishing the commission; providing for the organization of the board and the times of its meetings; providing for the appointment of the members and a clerk for said board and prescribing their terms, duties and compensation," so as to decrease the membership of this board.

By Messrs. Martin, Roberts and Cross:

H. 1274. Relating to counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide the county commission with authority to employ or contract for appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

By Messrs. Waggoner, Moore (O) and Smith (C):

H. 1287. To amend Section 1 of Act No. 191, H. 525, Regular Session of 1971, (Acts 1971, Vol. I, p. 486); providing additional expense allowance for each circuit judge of all judicial circuits composed of three (3) counties with two (2) circuit judges having a total population of not less than 60,000 and not more than 70,000 according to the 1970 or any subsequent federal decennial census.

By Messrs. Hines and Warren (with notice and proof):

H. 1294. To provide an annual expense allowance for the coroner and deputy coroner of Escambia County to be funded from the general fund of Escambia County, Alabama.

By Mr. Rich:

H. 1293. To amend Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) so as to delete the maximum salary requirement of county superintendents of education in certain counties classified on a population basis.

By Mr. Folmar:

H. 1281. Relating to all counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize the county commission to employ two clerks to assist the tax assessor, two clerks to assist the tax collector, one clerk to assist the probate judge and such additional part-time help as the county commission deems necessary, and to provide salaries for said employees.

By Mr. Folmar:

H. 1282. To provide that the county governing body is authorized and empowered to pay the employer's share of social security or F. I. C. A. payments on elected officials in all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census.

By Mr. McNees:

H. 1283. To amend further Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), which act, as amended, provides for a pistol permit fee and the distribution and use of the proceeds of such fee in counties having populations of not less than 16,245 nor more than 16,300 inhabitants according to the last or any subsequent federal decennial census, so as to provide further for the use of the proceeds of such fee, and to provide for retroactive effect to October 1, 1975.

By Mr. Kelley (with notice and proof):

H. 1249. Relating to Marshall County, Alabama: levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Marshall County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; providing that this Act be severable; and providing for the effective date hereof.

By Messrs. Kelley and Mitchem (with notice and proof):

H. 1250. Relating to Marshall County; providing for clerk-hire allowances for certain county offices.

By Messrs. Kelley and Mitchem:

H. 1251. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; setting the salary of the probate judge, sheriff, tax assessor and tax collector.

By Mr. Lee:

H. 1253. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; to authorize and provide for the payment out of the county treasury of pension or retirement allowances, under certain circumstances, to judges of the county court.

By Mr. Williams (with notice and proof):

H. 1254. Relating to Dale County; to amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for the sale of such beverages, limiting the prohibition of sale outside certain municipalities to sale for on-premises consumption.

By Messrs. Williams and Sasser (with notice and proof):

H. 1255. To authorize an expense allowance for the Chairman and associate members of the Dale County governing body.

By Messrs. Manley and Clark:

H. 1256. To provide for the salary for the chief clerk of the probate court of all counties having populations of not less than 15,650 nor more than 16,200 inhabitants according to the 1970 or any subsequent federal decennial census.

By Messrs. Kelley and Mitchem:

H. 1289. To provide a uniform allowance for all employees of the sheriff's office in those counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide retroactive effect for said act.

By Messrs. Mitchem and Kelley:

H. 1290. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; authorizing the sheriff of any such county to appoint certain additional employees and providing for their compensation.

By Messrs. Rich, Ford and Brindley:

H. 1259. To amend Act No. 519, H. 1172, Regular Session 1975 (Acts 1975, p. 1165), which act grants certain powers to borrow money to boards of education in counties having populations of not less than 90,000 nor more than 100,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the majority consent of the boards of education to secured loan agreements and to provide further for the repayment of loans authorized by said act.

By Mr. Dial:

H. 1261. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance from a maximum of \$15,000 per annum to a maximum of \$20,000 per annum; to provide that such allowance shall be paid from any available funds and to provide that the provisions of this act shall be retroactive to October 1, 1973.

By Mr. Hines (with notice and proof):

H. 1264. Relating to Escambia County; to alter rearrange and extend the boundary lines and corporate limits of the Town of Riverview.

By Mr. Hines (with notice and proof):

H. 1265. To amend Act No. 575, H. 966, 1953 Regular Session (Acts 1953, p. 818) which act levies a tax on malt or brewed beverages sold in Escambia County; to provide that the municipality of Riverview shall receive a share of the proceeds of such tax.

By Mr. Rich:

H. 1220. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation and expense allowance of the tax assessor and the tax collector in such counties.

By Mr. Rich:

H. 1221. Repealing Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census."

By Mr. Rich:

H. 1222. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the chairman of the county governing body; providing for the compensation of associate commissioners of the county governing body; regulating the travel allowance for out of county travel for all members of the county governing body; and setting the times of meetings for the commissioners.

By Mr. Rich:

H. 1223. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; relieving the board of registrars in such counties from the duty to meet on any official national, state or county holiday.

By Mr. Rich (with notice and proof):

H. 1225. Relating to Cherokee County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork of Little River, and West Fork of Little River in Cherokee County; to provide for the membership and organization of said Commission, to prescribe the powers, duties, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to Cherokee County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

By Messrs. Wyatt, Barron and Harris:

H. 1229. Relating to all counties having populations of not less than 150,000 nor greater than 180,000, according to the 1970 or any subsequent federal decennial census; authorizing the clerk of the family court in said counties to destroy certain files and records in all civil cases after a certain period of time and providing for an official record of said files and records; and to provide for a new indexing system in said court.

By Messrs. Mitchem and Kelley:

H. 1232. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; providing a salary supplement allowance for the register of the circuit court.

By Mr. Moore (O):

H. 1234. To provide for the salary of the judge of probate of all counties having a population of not less than 65,000 nor more than 68,000

inhabitants according to the 1970 or any subsequent federal decennial census and to repeal all conflicting statutes.

By Mr. Moore (O):

H. 1235. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for additional expense allowances for certain county officials.

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 1239. To provide for the appointment of a deputy district attorney for the twenty-ninth judicial circuit of Alabama; to designate him as a state officer; to prescribe his qualifications, powers and duties and to fix and provide for payment of his compensation.

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 1241. Relating to all counties having populations of not less than 65,000, nor more than 68,000, inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an additional secretarial assistant for the office of district attorney, in addition to the two secretaries now provided by law and provide salary for same, in which such county lies.

By Messrs. Venable and Plaster (with notice and proof):

H. 1242. Relating to Elmore County; setting the minimum monthly salary for each deputy sheriff of Elmore County; and providing that such salaries shall be paid out of the general fund of the county.

By Messrs. Venable and Plaster (with notice and proof):

H. 1243. To alter or rearrange the boundaries of the Town of Coosada, Elmore County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, as well as certain other territory contiguous thereto, in Elmore County, Alabama.

By Messrs. Mitchem and Kelley (with notice and proof):

H. 1248. Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members.

By Mr. Callahan:

H. 1136. To apply to every county of the State having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to authorize the governing body of any such county to provide by ordinance for identifying, taking up, storing, and selling any abandoned, stolen, or legally seized and condemned contraband property located in the county; to provide certain minimum requirements for the contents of any such ordinance; to provide certain specified restrictions upon the scope of any such ordinance; to require publication of such ordinance as a prerequisite to its becoming effective; and to provide for severability of the provisions of this Act and for an effective date.

By Mr. Callahan:

H. 1137. Relating to counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and serving his or her term in the county jail of any such counties.

By Mr. Folmar (with notice and proof):

H. 1151. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

By Mr. Robertson (with notice and proof):

H. 1154. Relating to Pickens County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

By Mr. Cates (with notice and proof):

H. 1169. Relating to Butler County; to provide for an additional expense allowance for the members of the county commission.

By Mr. Cates (with notice and proof):

H. 1170. Relating to Butler County, to increase the pay of election officials to \$16.00 per day.

By Mr. Cates (with notice and proof):

H. 1171. Relating to Butler County; to provide for an election to determine the sentiment of the electors concerning the use of voting machines for registering or recording and computing the vote at all elections held in such county and to provide that the county governing body of such county shall direct the use of voting machines if the majority of the electors voting in such election vote in favor of the adoption of voting machines.

By Mr. Lutz (with notice and proof):

H. 1174. To amend Act No. 453, H. 1033, Regular Session 1975 Legislature of Alabama, which changed the compensation of each member of the Madison County Board of Education.

By Messrs. Greer, Hill and Coburn:

H. 1180. Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department.

By Mr. Johnson:

H. 1181. To regulate further the issuance and execution of search warrants and authorizing the execution of search warrants at any time of the day or night, based on probable cause, in connection with the enforcement of laws relative to narcotics and controlled substances in

circuits composed of one county and having not less than five nor more than seven circuit judges.

By Messrs. Hill, Greer and Coburn:

H. 1183. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies.

By Messrs. Coburn and Goodwin:

H. 1190. Relating to all counties having a population of not less than 45,500 nor more than 52,000 according to the 1970 or any subsequent federal decennial census; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in any such county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

By Mr. Callahan:

H. 1194. To amend further Section 8 of Act No. 970, S. 378, Regular Session 1961 (Acts 1961, p. 1545), which act provides an alternative method of vehicle license registration in counties having a population of 300,000 or more according to the 1970 or any subsequent federal decennial census, so as to increase the mail fee pursuant to such alternative registration.

By Mr. Callahan:

H. 1196. To authorize and provide for the collection of an additional application or issuance fee to be charged by the License Commissioners, Judges of Probate, Directors of Revenue, or other public officers performing like duties relating to the application or issuance of motor vehicle licenses, motor vehicle license transfers, drivers licenses or permits, business or professional licenses and the transfer of business licenses in all counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, provided however, that the affidavit fee of twenty-five cents presently prescribed by law in said counties shall be collected for affidavits taken or required in the course of the application or issuance of licenses or transfers.

By Mr. McCulley (with notice and proof):

H. 1203. Relating to Washington County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and churches.

By Mr. Warren:

H. 1207. To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof)
(With Amendment):

H. 1213. To provide further for the operation of the board of registrars in Morgan County.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Carter and Moore (W):

H. 1217. To amend Act No. 526, H. 1234, Regular Session 1975 (Acts 1975, p. 1179), which act establishes a civil service system for law enforcement officers of certain counties based on population, so as to remove from the civil service system thereby created the authority to determine salary or compensation of said officers.

By Mr. Rich:

H. 1219. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in such counties.

By Messrs. Rich, Ford and Taylor:

H. 1218. To amend Act No. 1088 of the 1975 Regular Session of the Alabama Legislature, an act entitled, "Relating to counties having a population of not less than 90,000, nor more than 100,000 according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same," so as to further provide for the compensation and expenses of the constable of the District Court.

By Messrs. Sasser and Williams (with notice and proof):

H. 1120. To alter or rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

By Mr. Drake (with notice and proof):

H. 1129. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

By Mr. Cross:

H. 1116. To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator.

By Messrs. Venable and Plaster (with notice and proof):

H. 1115. To provide for purging the lists of registered voters in Elmore County; requiring and prescribing the procedure for the re-

identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Messrs. Roberts and Martin (with notice and proof):

H. 1111. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Priceville, in Morgan County.

By Messrs. Drake and Sparks (with notice and proof):

H. 1109. Relating to Cullman County; to provide further for the costs and charges in criminal cases in any court of the county.

By Mr. Callahan:

H. 1102. To provide for the minimum compensation for all Deputy Sheriffs in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

By Messrs. Roberts and Martin:

H. 1093. Relating to the establishment, operation and funding of a juvenile facility in counties with populations of not less than 75,000 nor more than 90,000 according to the 1970 or any subsequent federal decennial census.

By Mr. Owens:

H. 1087. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; fixing the fee for issuance of a pistol permit by the sheriff and providing for the collection, distribution and use of such fees.

By Mr. Warren (with notice and proof):

H. 1072. To provide for the establishment of a merit system for Conecuh County, Alabama, and a merit system board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

By Mr. Wyatt:

H. 1059. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an increased expense allowance for members of the county commission.

By Messrs. Harris, Wyatt, Holmes (A), Barron, Lewis and Plaster:

H. 784. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses.

By Messrs. Martin, Cross, Drake and Roberts:

H. 835. To authorize the county governing bodies of all counties

having populations of not less than 75,000 nor more than 90,000, according to the 1970 or any subsequent federal decennial census, and the governing body of any municipality in any such county to enter into long-term contracts for the disposal of solid waste, garbage, ashes and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision or statutory limitation on debts of the county and the municipality.

By Messrs. Johnson and Robertson:

H. 917. Relating to all counties having a population of not less than 115,000 nor greater than 150,000 according to the most recent federal decennial census; to provide for the fire protection of citizens of any such county outside of the limits of any municipality having a fire department.

By Messrs. Sasser, Whatley, Crawford and Folmar (with notice and proof):

H. 927. To alter and rearrange the boundaries of the town of Clio, Barbour County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Amendment):

H. 953. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Johnstone, Glass, Sonnier, McCulley, McMillan and Cooper:

H. 1022. To propose and provide for the submission of an amendment to the Constitution of Alabama amending further Amendment XVIII to said Constitution, which pertains to Mobile County and the issuance of bonds and the levy of a special ad valorem tax by said county for certain specified purposes.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Riddick:

H. 1026. To provide that any city which may now or hereafter have a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent federal decennial census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

By Mr. Dial (with notice and proof):

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Waldo, in Talladega County.

By Mr. Turnham (with notice and proof):

H. 1054. To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

By Mr. Turnham (with notice and proof):

H. 1055. To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sonnier (With Amendment):

H. 167. To amend Act No. 651, H. 377, Regular Session 1975, which act provides retirement benefits for elected officials of certain municipalities on a population basis, so as to include certain past services as a basis for such officials to receive benefits under said act.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Johnson:

H. 397. Relating to the compensation of certain officers in counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; amending Section 2 of Act No. 1896, S. 777 of the 1971 Regular Session (Acts 1971, Vol. IV, p. 3086) so as to increase the amount of compensation for board of education members and to limit the number of meetings for which such members shall be entitled to compensation.

By Mr. Johnson:

H. 428. Relating to cities having populations of not less than 60,000 nor more than 120,000 inhabitants according to the most recent federal decennial census; to provide further for the compensation of the members of the city board of education in such cities.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Cooper and McCulley (with notice and proof) (With Amendments):

H. 594. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, page 298) which creates and establishes the county-wide Civil Service System in Mobile County, so as to increase the membership of the Personnel Board and provide districts from which members are to be selected; and to provide for equal opportunity within such system.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lee:

H. 687. Relating to cities with a population of not less than 55,000 nor more than 70,000, according to the 1970 or any subsequent federal decennial census; to fix the salaries of the mayor and each associate commissioner of the municipal governing body, effective at the beginning of the next term of office.

By Mr. Albright:

H. 743. Applying to cities having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent decennial census, to provide that as to "restaurant" liquor licensees with premises located within said municipalities, the definition of the term "restaurant" as defined by Title 29, Section 1, Code of Alabama, 1940, as amended, for the purpose of licensing by the Alcoholic Beverage Control Board shall include, in addition to premises defined by said Title 29, Section 1, premises heretofore licensed by the Alcoholic Beverage Control Board for use by "club" licensees within said municipalities, irrespective of the fact that said premises does not have one thousand square feet of dining area, and irrespective of the fact that tables and chairs accommodating at least fifty persons are not provided, provided that said premises was so licensed for use by "club" licensees on September 19, 1975, and to provide for an effective date of this act.

By Messrs. Moore (O), Waggoner and Smith (C) (with notice and proof):

H. 737. Relating to Shelby County, Alabama; to provide for the total rehabilitation of certain persons, including, but not limited to, mental and emotionally disturbed inmates, both male and female, convicted of any type crime and sentenced to a term of commitment in the county jail of Shelby County; or any inmates incarcerated in the Shelby County Jail.

By Messrs. Barron, Plaster, Lewis and Wyatt:

H. 765. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; amending Section 3.18 of Act No. 618, H. 796 of the 1973 Regular Session (Acts 1973, Vol. II, p. 879) as amended, which act pertains to the mayor-council form of government, so as to provide that examination of the books and accounts of the city shall not be made more than two years in succession by the same accountant.

By Messrs. Barron, Plaster, Lewis and Wyatt:

H. 766. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent

federal decennial census; amending Section 6.07 of Act No. 618, H. 796 of the 1973 Regular Session, (Acts 1973, Vol. II, p. 879), as amended, which act pertains to the mayor-council form of government, so as to include purchase of labor, services, work and lease agreements in the responsibility of the purchasing agent in the department of finance.

By Messrs. Naramore and Crowe (with notice and proof):

H. 599. To authorize the Walker County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

By Messrs. Waggoner, Moore (O) and Smith (C) (with notice and proof):

H. 1288. To amend Section 1 of Act No. 37, H. 66 Organizational, Special and Regular Sessions 1971 (Acts 1971, p. 4170) as amended which applies in Shelby County, designating the number of employees authorized by the sheriff's department, compensation of such employees, and sheriff and residence requirements of such employees, and to repeal conflicting laws.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pegues, et al (With Amendments):

H. 372. To amend the title and sections 1, 4, 6, 8, and 10 of Act No. 14, H. 5, Special Session 1969 (Acts 1969, p. 28), which established the Alabama Commission of Higher Education, so as to change the name of the Commission and to provide further for the powers, duties and authority of the Commission.

RESOLUTIONS

Mr. Littleton offered the following Senate Joint Resolution, to-wit:

S. J. R. 134. CREATING AN EDUCATIONAL SURVEY COMMITTEE FOR THE PUBLIC SCHOOL SYSTEM OF SHELBY COUNTY.

WHEREAS, the Alabama legislature desires to upgrade the public school systems throughout the state and to assist its citizens in their efforts to make improvements in local education systems; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That:

1. There is hereby created the Educational Survey Committee of Shelby County, to be composed of five members to be appointed by the

State legislative delegation of the county, one member of which shall be designated chairman.

2. It shall be the duty of said committee to have made and supervise a comprehensive study and evaluation of the public school system of said county and to report in writing its findings and recommendations to the Board of Education of said county with respect to the following areas of investigation and study:

(a) The committee shall have made long-range projections of the needs of the system in terms of pupil population, teacher and classroom requirements, capital outlay, transportation and other operation costs, and all other matters illustrative of the needs for immediate planning for future requirements.

(b) The committee shall have made a report covering the financial support from all sources, the number of teachers and other personnel from the standpoint of salaries, qualifications, tenure, the number of classrooms, the pupil population, capital investment, and all costs per pupil in average daily attendance for the past ten years.

(c) The committee shall measure or have measured the academic standards and opportunities of the system from the standpoint of percentage of dropouts, percentage of high school graduates attending college, percentage of high school graduates attending technical or vocational schools or colleges, and the percentages who terminate formal education with high school graduation.

(d) The committee shall have made a comprehensive study of the present tax structure and make recommendations for improvements thereto.

(e) The committee shall make or have made other such recommendations to the Board of Education as its studies may suggest.

3. The committee shall engage the services of the University of Alabama in Birmingham to assist in carrying out the requirements herein.

4. All county and city officials, the Board of Education, the Superintendent of Education, the University of Alabama in Birmingham, and the personnel of the school system shall fully cooperate with said committee in conducting this study.

5. The committee shall be appointed and activated no later than October 1, 1976, and shall begin its work as soon thereafter as feasible, and shall make its final report not later than January 1, 1978.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 135. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING:

There is hereby created and established a committee to be known as State Auditing Committee which shall be composed of five members, three of whom shall be members of the House of Representatives to be appointed by the Speaker of the House; two of whom shall be members of the Senate to be appointed by the Lieutenant Governor. The members shall elect from among the committee members a chairman and vice-chairman.

The members of the committee created by this resolution shall receive no pay, but may be reimbursed for their reasonable and necessary out-of-pocket expenses in the performance of their duties.

The committee may employ and fix the compensation of such stenographic and clerical personnel as may be necessary to properly carry out its duties. The compensation of employees employed under the provisions of this resolution and any other expenses and allowances of the committee shall be paid out of the funds appropriated to the use of the Legislature.

The committee shall recommend steps for carrying out and implementing the recommendations of the report made by the audit committee created by Act 37, S. J. R. 7, Organizational Session, 1975.

The committee shall:

1. Clarify the audit objectives of state government and specify the exact duties and responsibilities of each state audit agency.
2. Evaluate the present audit objectives and audit approaches and determine where modifications of either are appropriate.
3. Suggest means by which suggested changes may be implemented.
4. Study and review the audit-related recommendations within the Governor's Cost Control Survey, assess their sufficiency and admissibility, and develop an implementation plan.
5. Investigate the availability of federal and other assistance in attaining the most efficient, economic and professional audit network possible within the state.

The committee shall make a final report of its study and review, and its recommendations to the Legislature not later than the tenth legislative day of the 1977 Regular Session thereof and shall be thereupon dissolved.

The provisions of this resolution are severable. If any part thereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Which was read and referred to the Standing Committee on Rules.

Messrs. Little, Pearson, and Clemon offered the following Senate Resolution, to-wit:

S. R. 136. COMMENDING HARVEY GLANCE ON HIS ACCOMPLISHMENTS IN THE OLYMPIC GAMES.

WHEREAS, Harvey Glance of Phenix City, Alabama, a student at Auburn University, had brought honor and nation-wide attention to his hometown, his university and the State of Alabama; and

WHEREAS, this extraordinary young athlete won a gold medal as a member of the winning 400-meter relay team in the Olympic Games in Montreal, and was fourth in the 100-meter dash; and

WHEREAS, although only a freshman at Auburn University, he is the Southeastern Conference Champion in the 100- and the 220-yard dashes, has won the NCAA 100- and 200-meter dashes, and is the SEC and the NCAA champion in the 60-yard indoor dashes, becoming the first

athlete to win NCAA championships in all three major sprint events in one season; and

WHEREAS, Harvey Glance has maintained a positive outlook of life through both victory and defeat and has been an inspiration to millions of young people throughout the nation; and

WHEREAS, he was recently named Southeastern Conference Athlete of the Year, which brought with it a \$2,500 scholarship in his name to Auburn University; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That this body commend and congratulate him for his efforts which have reflected so favorably upon the State of Alabama and wish him continued success as a student and athlete.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of Auburn University, the Auburn University Athletic Department, Mayor of Phenix City, and the parents of Harvey Glance so that they may know our sincere pride in this fine young man.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe and entire house:

H. J. R. 331. EXPRESSING APPRECIATION TO THE MEMBERS OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA WHO PARTICIPATED IN THE "PHYSICIAN FOR A DAY" PROGRAM.

WHEREAS, The Medical Association of the State of Alabama has coordinated the "Physician for a Day" program during this Session of the Legislature, and has furnished the Legislature with the voluntary services of its member physicians on each legislative day and when numerous committee meetings were scheduled, and

WHEREAS, the presence of these outstanding physicians from all over Alabama, at great personal and professional sacrifice to themselves, was a comfort and reassurance to the members of the Legislature, now therefore

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Legislature does now convey its deep appreciation to the members of the Medical Association of the State of Alabama who participated in the "Physician for a Day" program for this unselfish act of public service.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Medical Association of the State of Alabama for distribution to these volunteer physicians.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 331, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gafford:

H. J. R. 332. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim committee created by Act No. 1178, H. J. R. 430, 1975 Regular Session, is hereby amended to read as follows:

“That the committee created hereunder has to and including the third legislative day of the 1977 Regular Session to make its report.”

BE IT FURTHER RESOLVED, That said committee can report any time prior to the third legislative day if it so desires.

The committee shall not receive any money under this resolution or the original resolution establishing this committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 332, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit to you herewith a Message from the Governor.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 10th day of August 1976.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

As you rapidly approach the final hours of this session of the Legislature, I know you do not want the people of Alabama to realize that

you have spent all of this time in Montgomery and these hundreds of thousands of dollars without giving final consideration to such an urgent measure as the bill which authorizes the bond issue to fund the Tennessee-Tombigbee Waterway Development Project.

Your failure to pass this much needed legislation could mean that Alabama will not meet its obligation to build the bridges where water will be in 1978 and you could cause a slowdown on this project that means so much to the livelihood of the people of this great part of our Country.

I respectfully and urgently plead with you to take up this vital measure, out of order from your Special Order Calendar, so that we can get on with progress in this state and the enhancement of the quality of life for our citizens.

Respectfully,
GEORGE C. WALLACE,
Governor.

MESSAGE FROM THE GOVERNOR

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 287. To amend further Section 3 of Act No. 1945, Regular Session of the 1971 Alabama Legislature which provides for and regulates the employment of county engineers, so as to provide that in Fayette County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

was taken up.

The Standing Committee on Rules reported the following substitute for the Bill, H. B. 287, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 287

A BILL TO BE ENTITLED AN ACT

To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143) which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, is hereby further amended to read as follows:

"Section 3. QUALIFICATIONS. The person appointed as County Engineer, or Chief Engineer of the Division of Public Roads within the meaning of this Act shall be a registered professional engineer and land surveyor in the State of Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways and bridges, except that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, and in Cleburne County, Crenshaw, Chilton, Fayette and Lamar Counties, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary as provided in Section 5 of this Act."

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

On motion of Mr. Mitchell, said substitute was laid on the table.

Mr. Mitchell offered the following substitute for the Bill, H. B. 287, to-wit:

SUBSTITUTE FOR H. B. 287

A BILL TO BE ENTITLED AN ACT

To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143) which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, is hereby further amended to read as follows:

"Section 3. QUALIFICATIONS. The person appointed as County Engineer, or Chief Engineer of the Division of Public Roads within the meaning of this Act shall be a registered professional engineer and land surveyor in the State of Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways and bridges, except that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, and in Cleburne County, Crenshaw, Chilton, Fayette, Winston, Lamar, Cullman and Coffee Counties, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary as provided in Section 5 of this Act."

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 287, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 914. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 915. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of jury commissioners in such counties, payable out of county funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore,

Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 916. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 920. Relating to Colbert County, to amend Act No. 645, S. 593, Regular Session 1965 (Acts 1965, p. 1164), which Act provides that the state highway department shall maintain all roads and bridges in said county, so as to provide that the county governing body of Colbert County shall make certain decisions as to which new roads shall be built and which existing roads shall be maintained.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Wilson.

—25

Nays:

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The Bill:

H. 922. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes, and providing for county referendum vote thereon.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 923. Relating to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; providing additional expense allowances for the circuit judges and the district attorneys, payable out of the treasury of such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 939. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Maplesville in Chilton County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 967. Relating to counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; to provide further for the salary of the county superintendent of education of such counties; to provide that the provisions of this act shall become effective July 1, 1977.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 993. Relating to Hale County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: Messrs. Baker, Edwards.

—2

The Bill:

H. 1004. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1005. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1006. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1027. Relating to Covington County Board of Education; providing for an increase in mileage allowances for members of the board in the performance of their duties; and providing for the payment of such funds out of the educational funds of the county treasury in the same manner as now provided by law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 715. Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 716. Relating to Houston County; to further implement Section 9 of Act Number 160, 1971, and provide the Houston County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 717. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; increasing the fee for the issuance of pistol permits; providing for the deposit of such additional fees in a fund to be designated the law enforcement fund; and providing for the use of such funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 775. Relating to any county having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent

federal decennial census, to provide deputies and other assistance to the sheriff; fixing their compensation, repealing conflicting law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

— 25

Nays:

— 0

The Bill:

H. 874. To amend the title and Section 1 of Act No. 212, H. 576, 1959 Regular Session (Acts of 1959, p. 751), entitled "An Act To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof," so as to increase the coroner's salary and provides an expense allowance.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 880. Relating to counties with populations of not less than 25,150 nor more than 26,500; to provide an additional monthly expense allowance for court reporters of county courts of Law and Equity in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

— 25

Nays:

— 0

The Bill:

H. 875. To increase the compensation of the Circuit Judges of the

Thirty-Third Judicial Circuit who reside in Dale County by fixing a supplemental salary and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Flippo, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 899. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide further for the compensation and travel allowance of the chairman and members of the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 901. Relating to DeKalb County; to provide that a two dollar license good for one day shall be required for hunting on a licensed game preserve within the county where only exotic or non-native game is being hunted, said license to be in lieu of any other hunting license; to provide that the proceeds from such license shall be deposited to the State Game and Fish Fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 907. Relating to Hale County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 603. Relating to any counties having a population of not less than 57,000 nor more than 61,000; creating a citizen's study committee to determine whether the construction and maintenance of county roads and bridges in such counties should remain under the supervision and control of the State Highway Department or should revert back under the supervision and control of the county governing body and providing that the provisions of this act shall be retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 604. To amend Section 11 of Act No. 2452, H. 2798 of the 1971 Regular Session (Acts 1971, Vol V, p. 3917), as amended, entitled "An Act To provide courts in each county of the state having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census and vesting each with jurisdiction formerly exercised by justices of the peace; providing for additional powers of said courts; providing for its officers, and their appointment; elections; providing for the term of office of the judge, his powers, duties, compensation, and for costs and fees in such court; providing for the transfer of all cases pending in justice of the peace court of said court hereby established; providing for appeal from said court; providing for procedure, practice and pleading in said court; to provide for the approval of bonds in such matters pending before this court," so as to provide that all office space and supplies, equipment, forms, stationery, stamps, and utilities shall be furnished by the county governing body; to provide that the provisions of this act shall be retroactive to January 1, 1975.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 634. Relating to Russell County; to provide for the placing of the mailing addresses of the grantors and grantees on all conveyances of real property.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 554. To provide a supplemental salary for each elected deputy circuit clerk.

was taken up.

Mr. McMillan offered the following amendment to the Bill, H. B. 554, to-wit:

AMENDMENT TO H. B. 554

Amend Section 1 of House Bill 554 by adding at the end thereof the following:

“Provided however the total salary of such elected deputy Circuit Clerk shall in no event be in excess of the total salary of the Circuit Clerk of the same Circuit or County.”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell,

Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 554, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 670. To amend Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", so as to provide further for the disposition and use of such fees; and to give this act retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 671. To amend the title and Section 2 of Act No. 103, H. 16, 1975 Fourth Special Session (Acts of 1975, p. 2784) entitled "An Act Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation," so as to delete the circuit clerk from the provisions of said Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 683. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1975, payable out of the funds of the county treasury.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 707. Relating to Chambers County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Torbert, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 96. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices

for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 109. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 114. To propose an Amendment to the Constitution of Alabama to authorize and provide for the establishment in Tuscaloosa County, Alabama, of districts for fighting fires or preventing fires, or districts for the collection and disposal of garbage and trash, or districts for both of the above purposes; and to authorize and provide for the levying and collecting of a service charge from the persons and property to whom and to which such services are provided; and to authorize the Legislature to provide for the issuance of bonds, to pay the cost of establishing and maintaining such fire fighting and fire prevention systems and garbage and trash collection and disposal systems, payable only out of the proceeds of charges for the said services.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 125. To further amend Section 2 of Act No. 1856, H. 2614, Regular Session 1971 (Acts 1971, p. 3012), as amended, relating to the boards of registrars in any county, having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census, so as to further regulate the compensation of its members; to give this act retroactive effect; and to repeal specifically Act No. 908, Regular Session 1975.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 159. Naming the football field at Satsuma High School in Mobile County the "Ben S. Copeland Field".

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 441. To repeal Act No. 331, H. 808, as amended, Regular Session 1965 (Acts 1965, p. 460), relating to the expense allowance of coroners in all counties having populations of not less than 52,500 nor more than 54,000.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 446. Relating to Sumter County; providing for an increase in the compensation of the members of the board of equalization, and to provide for the method of payment of said compensation by the county governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 466. Relating to counties with populations of not less than 53,000 nor more than 55,000; to authorize such counties to use school bond money to purchase certain materials for renovation and improvement of buildings without regard to the act upon which Code of Alabama Recompiled 1958, Title 50, Chapter 1 is based.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 503. Relating to Chambers County; providing total compensation for members of the jury commission and for the secretary of the jury commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 591. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 597. Relating to Walker County; to require all new county roads to be built to state specifications.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

H. 598. To amend Sections 5 and 6 of Act No. 200, H. 120, 1969 Special Session (Acts of 1969, p. 264), entitled "To provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws;" so as to increase membership of the board and increase the board members' pay.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 719. To provide for supplementing the retirement compensation paid to retired circuit judges in judicial circuits composed of one county and having not less than seven nor more than sixteen circuit judges and to provide for a contribution by such judges toward the cost thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 122. Relating to all counties having a population of 600,000 or more according to the most recent federal decennial census; authorizing the governing body in such counties to provide for the microfilming or photographic reproductions of all records, books, papers or other writings or documents required by law to be maintained or in the custody of such tax collector; providing that such microfilmed or photographed records or documents shall have the same force and effect at law as the original documents; providing for the admissibility into evidence of such records or documents; authorizing such tax collectors to furnish such copies to the public, certifying to the authenticity and correctness of same, and to charge for costs therefor; providing for the disposition of the original records or documents after microfilm or photographic reproductions have been made; authorizing the cost for implementing the provisions hereof be paid from the general fund of the county; and repealing all laws conflicting with this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell,

Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 450. Relating to counties having populations of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

was taken up.

Mr. Torbert offered the following substitute for the Bill, H. B. 450, to-wit:

SUBSTITUTE FOR H. B. 450

A BILL TO BE ENTITLED AN ACT

Relating to counties having populations of not less than 20,000 nor more than 70,000 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having populations of not less than 20,000 nor more than 70,000 inhabitants according to the most recent federal decennial census.

Section 2. Any business that is licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

Nays: Messrs. Baker, Edwards.

—2

And said Bill, H. B. 450, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays: Messrs. Baker, Edwards.

—2

The Bill:

H. 541. Relating to fire districts in any county having a population of 600,000 or more according to the most recent federal decennial census; providing for payment of debts upon the annexation of an entire fire district or a portion of a fire district by a municipal corporation in any such county.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 541, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 541

A BILL TO BE ENTITLED AN ACT

Relating to fire districts in any county having a population of 600,000 or more according to the most recent federal decennial census; providing for payment of debts upon the annexation of an entire fire district or a portion of a fire district by a municipal corporation in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. When an entire fire district of any county having a population of 600,000 or more is annexed to a municipal corporation, such municipal corporation shall assume and pay the district debt. If a portion of a fire district is annexed the municipal corporation in adopting the resolution for the annexation of such portion must agree that an amount be paid to the district equal to seven (7) times the amount of dues that the portion being annexed paid to the fire district the preceding year, before the annexation can take place. The amount of money paid to the fire district may be paid by the municipality or the property owners involved in the proceedings.

Section 2. If all of a fire district or as many as 90 percent of the property owners within a fire district is annexed into a municipality, all fulltime paid employees of the fire district shall become employees of the municipality annexing the fire district with employment status commensurate with their seniority, capabilities, knowledge and experience and with the same right to transfer into the pension system of such

municipality as an employee transferring from another municipality, provided such former fire district employees shall be in good enough physical shape to perform the duties which they will be performing and shall elect to become such an employee within sixty days of the fire district being dissolved. Moreover, whenever as many as 90 percent of any fire district is annexed into a municipality, the municipality may elect to assume the financial obligations and responsibility for fire protection of the remaining portions thereof, and upon assumption of such responsibility shall be entitled to receive all assets of said fire district.

Section 3. If an entire fire district is annexed, equipment owned by the fire district shall not be replaced within the area annexed with equipment which is inferior or has less potential than that equipment previously owned by the fire district.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Gilmore offered the following amendment to the substitute for the Bill, H. B. 541, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 541

Amend No. 2 Substitute for House Bill No. 541 Page 1 Line 20, by striking out seven (7) after the words "equal to" and inserting the word "six (6)"

which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 541, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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And said Bill, H. B. 541, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 527. To further amend Section 19 and Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376 et seq.) as heretofore amended, which relates to the Civil Service System in counties having a population of 400,000 or more inhabitants, so as to provide for the manner of accruing vacation allowance and sick leave and the portion thereof for which payment may be given upon retirement or termination of employment.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 294. Relating to Dallas County; to provide further for the conduct of elections in Dallas County wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 309. Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to provide for the repayment of accumulated

contributions to any retirement or pension plan for county employees by any employee who is re-employed by any such county under certain conditions.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 435. Proposing an amendment to the Constitution of Alabama which if approved by the electors of Clay County would authorize the compensation of public officers of Clay County.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 467. To provide for supplementing the salary or compensation paid to Circuit Judges in Judicial Circuits having two Circuit Judges, and composed of one County, having not less than 38,100 population and not more than 40,500 population according to the 1970 or any subsequent Federal Decennial Census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 579. Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: Messrs. Baker, Edwards.

—2

The Bill:

H. 786. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 787. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—25

Nays:

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The Bill:

H. 949. To amend Section 1 of Act No. 818, H. 1851, 1975 Regular Session (Acts of 1975, p. 1644) entitled "An Act Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees," so as to provide that all of said fee shall go to the county sheriff's fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

H. 1019. Relating to Butler County; providing that any person in Butler County qualifying for the exemption of ad valorem taxation pursuant to Act No. 1000, H. 388 of the 1973 Regular Session (Acts 1973, Vol. III, p. 1532), because of disability or upon reaching sixty-five years of age or older shall be required to make the declaration of exemption one time; prescribing the manner of making such declaration, and penalties for violations of the provisions of the Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1028. Relating to Coffee County; providing that the sheriff may send notice of jury summons by registered mail.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson,

Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1044. Relating to Conecuh County; providing for a monthly expense allowance for the members of the county governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1041. To amend Section 1 of Act No. 599, H. 1694, Regular Session of 1975 (Acts 1975, p. 1350) entitled "An Act to regulate further the fees of sheriffs in all counties of this state having populations of not less than 57,000 and not more than 61,000 according to the most recent federal decennial census" so as to provide further for such fees.

was taken up.

Mr. Owen offered the following amendment to the Bill, H. B. 1041, to-wit:

AMENDMENT TO H. 1041

On page 1, Section 1, line 28, strike out the words "most recent," and insert in lieu thereof the following:

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

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Nays:

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And said Bill, H. B. 1041, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—25

Nays:

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The Bill:

H. 1126. Relating to all counties having a population of not less than 38,100, nor more than 40,500, according to the most recent Federal decennial census; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for such County, and levying a "law library fee" tax.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1127. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1139. To amend Section 3.06 of Act No. 404, S. 430, Regular Session 1953 (Acts of Alabama 1953, p. 472), as amended, permitting any city in the State of Alabama having a population of more than 30,000 and not exceeding 33,000 according to the last or any succeeding federal census

to adopt the council-manager form of municipal government so as to further provide for the office of mayor.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1035. To provide for an expense allowance for the District Attorney of the Eighteenth Judicial Circuit, composed of the counties, Clay, Coosa and Shelby, and providing for the payment of such expense allowance out of the general funds of the counties composing said judicial circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 966. To amend Act No. 431, Ex. Sess., 1966, relating to restrictions on the sale of groceries on Sunday in each county having a population of 500,000 or more according to the last or any succeeding federal census, so as to increase the maximum number of employees that may be employed in a store authorized to stay open on Sunday from four to six.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Pearson, Perloff, Perry, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1150. To name Alabama Highway 10 from Abbeville to Fort Gaines the Buddy Crawford Highway and the bridge on Highway 10 between Alabama and Georgia as the Buddy Crawford Bridge.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 264. To repeal Act No. 446, H. 228, 1957 Regular Session of the Legislature [Acts of 1957, Vol. I, p. 608; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125(78)], entitled "To regulate further the office of solicitor of the Seventeenth Judicial Circuit of Alabama; creating a solicitor's fund for each county composing the circuit, and providing for the expenditure and use thereof."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1182. To amend Section 2 of Act No. 668, H. 918, 1967 Regular Session (Acts of 1967, p. 1493), entitled "To provide additional compensation for the official court reporter of the third judicial circuit," so as to eliminate the provision for the termination of such additional compensation and to give this amendment retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1184. To authorize each circuit judge of the Eleventh Judicial Circuit to appoint one full time bailiff, or in the alternative each to appoint two bailiffs for any session, or in lieu of these options, by the concurrence of each judge the presiding judge is authorized to appoint one law assistant and the circuit judges to appoint one additional bailiff; to regulate the duties and compensation of such bailiffs or law assistant; and to provide for the payment therefor from the county funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—25

Nays:

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The Bill:

H. 1185. To provide for the appointment of an investigator for the district attorney's office for the Eleventh Judicial Circuit; to prescribe his authority, powers and compensation; and to provide that the cost to implement the provisions hereof be paid from the funds of the county governing body comprising the said circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 602. Relating to Dallas County, to amend further Section 1, Act No. 11, S. 59, Regular Session 1959 (Acts 1959, p. 416), which act fixes the compensation of certain officers in said county, so as to provide further for the compensation of such officers.

was taken up.

Mr. Mitchell offered the following substitute for the Bill, H. B. 602, to-wit:

SUBSTITUTE FOR H. B. 602

A BILL
TO BE ENTITLED
AN ACT

Relating to Dallas County, to amend further Section 1, Act No. 11, S. 59, Regular Session 1959 (Acts 1959, p. 416), which act fixes the compensation of certain officers in said county, so as to provide further for the compensation of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 11, S. 59, Regular Session 1959 (Acts 1959, p. 416), as amended, is hereby further amended to read as follows:

“Section 1. The compensation of the Probate Judge, Tax Collector, Tax Assessor, Sheriff, Clerk and Register of the Circuit Court and members of the county governing body of Dallas County, Alabama, shall be as follows:

Probate Judge	\$24,000
Tax Collector	\$18,750
Tax Assessor	\$18,750
Clerk and Register of the Circuit Court	\$18,750
Each member of the county governing body	\$7,800

“In addition to the compensation hereinabove fixed for members of the county governing body, each of said members shall be entitled to six hundred dollars (\$600.00) per annum as an expense allowance, payable in equal monthly installments. This expense allowance is in addition to any expense allowance or reimbursement payable to said officers under any laws of the State of Alabama.

“Sheriff.—The sheriff shall receive an annual county supplement which, when combined with the prevailing state pay for sheriffs, shall be an amount sufficient to make the sheriff's total annual compensation \$18,750.

“The salaries herein provided shall be payable in equal monthly installments from the county treasury.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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And said Bill, H. B. 602, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1186. To provide an additional expense allowance for members of the jury commission in all counties having a population of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1187. Relating to any county having a population of not less than 16,000 nor more than 16,250 according to the 1970 or any subsequent federal decennial census; authorizing and providing for an expense allowance for the sheriff.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1188. Relating to any county having a population of not less than 34,100 nor more than 34,900 inhabitants according to the 1970 or any subsequent federal decennial census; providing for a legal secretary to the

circuit judge in any such county to be paid from the county treasury; providing for reimbursement to the circuit judge for salaries paid after September 1, 1976; providing for the purchase of furniture and equipment and prescribing the time during which this act shall be operative.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1189. Relating to any county having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal census; to provide for a secretary to the circuit judge in any such county to be paid from the county treasury; and to prescribe the time during which this act shall be operative.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1193. To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1200. Relating to Chilton County; to provide that the county engineer need not be a resident of Chilton County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1206. To provide further for the costs and charges in criminal cases; and to provide for a juvenile probation fund to finance a juvenile probation office in all counties having populations of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1228. To de-annex a certain piece of land from within the corporate limits of Gulf Shores, Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1233. To authorize and provide for a referendum in certain counties classified on a population basis to determine the sentiment of the

voters relative to whether the chairman of the county commission shall be elected or the judge of probate shall be ex officio a member and the chairman of the commission; and to provide for filling the chairmanship of the governing body in the manner favored by the voters of the county at such referendum.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1240. Relating to all counties having populations of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census, regulating the compensation of election officials in such counties and providing for the method of payment thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1257. Relating to counties having a population of not less than 23,800 nor more than 23,925 according to the 1970 or any subsequent federal decennial census; providing that henceforth members of the county commission shall receive a monthly salary of \$600 and a monthly expense allowance of \$200.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Fine, Flippo, Gilmore, King, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 2. To amend Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351) so as to permit certain establishments in counties, having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to extend the legal hours for selling table wine.

Was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays: Messrs. Baker, Edwards.

—2

The Bill:

H. 69. To repeal Act No. 698, H. 1853, 1975 Regular Session, entitled, "An Act To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 706. To further amend Section 257, Title 13, Code of Alabama 1940, as amended, which fixes the compensation of the deputy district attorney of certain counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson,

Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 152. To further regulate the clerk hire allowance of the circuit clerk in all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census.

was taken up.

Mr. Perry offered the following amendment to the Bill, H. B. 152, to-wit:

AMENDMENT TO H. B. 152

In the title on lines 15 and 16, and in Section 1, line 20, strike the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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And said Bill, H. B. 152, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 465. Relating to Randolph County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 465, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. NO. 465

By Mr. Smith (M):

Amend Senate Bill 465 by striking out the words first class on line 20, Section 1, page 1, and insert in lieu thereof the word certified.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 259. Providing that the Probate Judge of DeKalb County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Baker, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 259, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 259

Amend S. B. 259 by striking the word "appoint" where it appears in the title on Page 1, line 14 and also in Section 1 on Page 1, line 20 of the bill and substitute in lieu thereof in both instances the following: "designate from existing clerical positions"

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

H. 1091. To amend Sections 1, 4 and 7 of Act No. 29 enacted at the 1970 Special Session of the Legislature of Alabama so as to provide that any district heretofore organized thereunder and having corporate power to own and operate a sewer system shall be authorized also to own and operate, in the service area in which it is authorized to render sewer service, a solid waste collection and disposal system without any amendment of its charter and without changing its name; so as to provide that the term "sewer system" as used in said Act No. 29 shall include a solid waste disposal system and so as, in effect, to authorize districts hereafter organized thereunder that have sewer powers also to own and operate solid waste disposal systems and to furnish solid waste collection and disposal services; and so as to permit any district organized thereunder that is empowered to provide fire protection service to provide such service directly or to contract with another to provide such service and to enter into all necessary contracts incidental thereto.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 1091, to-wit:

COMMITTEE AMENDMENT NO. 1 TO H. B. 1091

Amend H. B. 1091 by adding after the semi-colon following the word "prescribe" in Section 7, Subsection 9, Page 10, Line 35 the following:

"provided, however, that nothing in this act shall authorize any district to collect, transport, treat or dispose of solid wastes or charge for the collection, transportation, treatment or disposal of solid wastes from any industrial, manufacturing or utility plant without consent from the owners or operators of such plant;"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 1091, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2
TO H. B. 1091, AS AMENDED

Amend H. B. 1091 by adding after the semicolon following the word "service" in Section 7, Subsection 13, Page 12, Line 17 the following:

"provided further, however, such right of eminent domain shall not apply to real property or interests therein previously dedicated to public use;"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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And said Bill, H. B. 1091, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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BILL RECONSIDERED

On motion of Mr. Ellis, the Senate reconsidered the vote by which the Bill, H. B. 541, as amended was passed.

On motion of Mr. Ellis, the Senate reconsidered the vote by which the Bill, H. B. 541, was ordered to its third reading.

Mr. Ellis then offered the following amendment to the Bill, H. B. 541, as amended, to-wit:

AMENDMENT TO H. B. 541, AS AMENDED

In the title, page 1, line 10, strike out the words "most recent" and insert in lieu thereof the words: 1970 or any subsequent

In Section 1, page 1, line 16 after the word "more" insert the following words:

according to the 1970 or any subsequent federal decennial census.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 541, as thus amended, was again read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Ford:

H. J. R. 339. To Create a Joint Interim Committee to study the Capital Outlay Program for state junior college and vocational technical colleges.

WHEREAS, there is a growing need to put controls on the Capital Outlay Program in Alabama.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses concurring, that the joint committee be created to study the capital outlay need for the two year institutions.

The membership shall consist of three House members appointed by the Speaker of the House and three Senate members appointed by the Lt. Governor.

BE IT RESOLVED that the chairman of the committee shall set the schedule and program for the committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee.

BE IT FURTHER RESOLVED that the total expenditure of the committee shall not exceed Three Thousand Dollars per year, inclusive of

per diem legislative pay and travel expenses, provided no member shall be paid for any day that they do not meet. Such pay and expenses shall be paid out of any available funds appropriated to the use of the Legislature.

The Committee shall report its finding to the Legislature not later than the 10th Legislative day of the next regular session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 339, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 170. To exempt the county law enforcement association from paying certain license fees for certain alcoholic malt beverages in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 170, to-wit:

COMMITTEE AMENDMENT TO H. B. 170

After the title ending on line 18, and before the words "BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:" add the following preamble:

WHEREAS The Legislature of Alabama recognizes that the public interest is best served by the fullest and most efficient execution of the law enforcement functions performed in the municipalities and counties of this state; and

WHEREAS the Legislature recognizes the uniqueness of the position of law enforcement officers serving in the community for the protection of life and property with the accompanying pressures and responsibilities associated with their jobs; and

WHEREAS the Legislature recognizes the need by law enforcement officers because of their unique position for recreation and privacy in order to foster greater morale and fellowship for and among other law enforcement officers; now therefore,

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

Nays: —0

Mr. Noonan offered the following amendment to the Bill, H. B. 170, as amended, to-wit:

AMENDMENT TO H. B. 170

In the title on line 17, and in Section 1, lines 21 and 22, strike the words "most recent" and insert in lieu thereof the words

"1970 or any subsequent"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: —0

And said Bill, H. B. 170, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: —0

The Bill:

H. 304. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays: —0

The Bill:

H. 807. To amend Section 1 of Act No. 791 (Regular Session, 1973) providing an expense allowance for each circuit judge of the Twenty-third Judicial Circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 315. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 593. Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S),

McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 945. To regulate the excusing of persons from jury service in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to authorize requiring persons excused from jury service at one time to serve at a prior or later date; and to regulate the compensation of jurors summons for one week but required to serve in another.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 952. To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 618. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to direct the county commission of all such counties to set up a county-wide water authority; to give the water authority certain powers; to direct such authority to assist in the development of certain

community water systems; and to provide for the cooperation of such water authority with certain boards and offices.

was taken up.

Mr. Stewart offered the following amendment to the Bill, H. B. 618, to-wit:

AMENDMENT TO H. B. 618

In the title on line 11, and in Section 1, line 21, strike the words "most recent" and insert in lieu thereof the following:

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

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And said Bill, H. B. 618, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 936. Relating to Perry County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays: —0

The Bill:

H. 996. Relating to Lawrence County; regulating the compensation of the county superintendent of education of Lawrence County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: —0

The Bill:

H. 997. Relating to Lawrence County; to provide that the county governing body may appropriate money to any volunteer fire department within the county for the purpose of purchasing equipment and supplies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: —0

The Bill:

H. 954. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 954, to-wit:

SENATE LOCAL LEGISLATION COMMITTEE NO. 1
AMENDMENT NO. 1 TO H. B. 954

Amend House Bill No. 954, Section 1, line 5, by striking out the word "shall" after the word "Court" and inserting in lieu thereof the word "may."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Standing Committee on Local legislation No. 1 then reported the following amendment to the Bill, H. B. 954, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO H. B. 954,
AS AMENDED

Amend the title of H. B. 954 by inserting after the word "census" the following words:

"the bailiffs of any Inferior State or County Court now having two or more judges shall be compensated on a salary basis"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 954, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 878. Further regulating the liquor traffic in Pike County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale in Pike County of "table wines," as herein defined and distinguished from "fortified wines," in manner similar to the procedure by which beer, malt or brewed beverages are now sold; levying a county tax on half-pints and miniatures of spirituous liquors and on table wines, the proceeds thereof to be used for capital outlay and maintenance purposes

for schools in Pike County; and providing that this act shall be inoperative unless approved by a majority of the qualified electors of Pike County who vote thereon at a referendum.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 878, to-wit:

COMMITTEE AMENDMENT TO H. B. 878

Amend H. 878, page 7, Section 12(a), line 14 by striking the figures "four-fifths" and insert in lieu thereof the following:

one-fifth

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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And said Bill, H. B. 878, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 3.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: Messrs. Baker, Edwards, Jones.

—3

The Bill:

H. 938. Relating to Lauderdale County, amending Act No. 1616, H. 2004, Regular Session 1971 (Acts 1971, p. 2776), which act authorizes the district attorney to hire a secretary and providing for the payment of such secretary, so as to provide further for the payment of such secretary.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 938, to-wit:

COMMITTEE AMENDMENT TO H. B. 938

Amend House Bill 938 by deleting the words and figures "six hundred dollars (\$600.00)" on lines 25 and 26 in Section 1 and inserting in lieu thereof the following words and figures:

“seven hundred dollars (\$700.00)”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 938, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 992. To authorize and provide for the incorporation in Marengo County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in said county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities of property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of said county, or of any municipality or political subdivision of the county;

to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation in the state, including license and excise taxes, levied by the state, any county, municipality, or political subdivision of the state; to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all taxation by the state; to exempt such authority from payment of certain charges to the judge of probate; to exempt any authority organized hereunder from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of said county or the municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the authorizing government; and to provide for the dissolution of any such authority and the disposition of its property.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 992, to-wit:

AMENDMENT TO H. B. 992

Amend House Bill 992, Section 7, Paragraph 17 to read as follows:

(17) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Title 19 of the Code of Alabama 1940, as amended, with respect to any property, real, personal or mixed, including structures and obstructions to navigation and the commercial use of the inland waterways that may be necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of a port or related facility. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or interest therein devoted to public use;

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 992, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1025. Relating to Lamar County; further regulating the compensation of the county superintendent of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 1036. Relating to Etowah County; permitting banks now or hereinafter situated anywhere in Etowah County to establish, maintain and operate branch banks and branch offices within the limits of the City of Sardis for the conduct of a general banking and trust business; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

H. 1042. Relating to all counties having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide further for the fees of the coroner.

was taken up.

Mr. Littleton offered the following amendment to the Bill, H. B. 1042, to-wit:

AMENDMENT TO H. B. 1042

In the title on line 14, and in Section 1, on line 19 strike out the words "most recent" and insert in lieu thereof the following:

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 1042, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. McDonald (S), further consideration of the Bill, H. B. 1049, was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 128. An act creating the "Alabama Sunset Law of 1976"; providing definitions; providing for the termination of state agencies, as defined in the act, or listed dates; providing a deadline for reaching a recommendation as to continuance or termination, as defined herein, on or before the first legislative day immediately following review; providing that any agency, unit or subunit which is terminated shall have 180 days in which to conclude its affairs after which time the specified agency, unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the state fund from which appropriation was made; providing for a 4-year limit on the life of any continued or newly created agency, after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of

agencies under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation"; providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature and the Governor for distribution on, or before, the first legislative day of the regular session; providing expenses and pay of committee members be made from the state treasury from funds appropriated for the payment of the expenses of the legislature; providing for voting as to the recommendations of the committee and the continuance of any agency by simple majority vote of both Houses; providing for the Examiners of Public Accounts and Legislative Fiscal Office to assist in the review and evaluation process; providing that the Governor be urged to adopt the principles of a "zero-based review and evaluation" in budgetary preparations; providing for the retention of all claims and rights of citizens; providing for severability; providing for repeal of laws inconsistent with this act; and providing an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McMillan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 128, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 128

Amend the House Substitute for Senate Bill No. 128 on page 15, line 25, by putting a period after the word debate in place of the comma and deleting all words thereafter on lines 25, 26 and 27 of page 15.

AMENDMENT TO SUBSTITUTE FOR S. B. 128

Amend Substitute for S. B. 128 on Page 14, line 5 by inserting after the sentence ending with the figure "1976" a new sentence to read as follows:

"However, in the event that the 1976 Regular Session of the Alabama Legislature adjourns sine die before the elections provided for herein can be held, then, in that event, the Speaker of the House of Representatives and the President of the Senate shall respectively appoint two members each to fill the elected positions provided for in each house and the persons so appointed shall serve until such time as the Alabama Legislature is next in session when the elections shall be held as provided herein."

AMENDMENT TO S. B. 128 AS SUBSTITUTED AND AMENDED

On page 14, lines 10-12, strike the words and phrases, "The seventh member shall be a person selected by the Alabama Labor Council, the Alabama State Chamber of Commerce, and the Alabama Farm Bureau Federation.", and insert in lieu thereof the following words and phrases:

The eleventh member shall be appointed by the Governor.

AMENDMENT NO. 1 TO SUBSTITUTE
FOR SENATE BILL NO. 128

Amend Substitute for Senate Bill No. 128, Section 3, (a), Subsection 6, as follows:

On page 3 in lines 2 and 3, strike out all of subsection 6 which reads as follows:

“6. Office of State Veterinarian—created by Act No. 694, H. 810 of the 1947 Regular Session (Acts 1947, p. 528), 1947.”

Renumber the remaining subsections after deleting the above.

COMMITTEE AMENDMENT NO. 3
TO HOUSE SUBSTITUTE FOR S. B. 128

Amend Substitute for Senate Bill 128, on page 14, Section 10, lines 4 and 10, by changing the word seventh to eleventh, and adding on line 20, an additional and new line to read as follows:

four members appointed, two from the Alabama Senate, two from the Alabama House of Representatives, by the presiding officer of said elected bodies.

COMMITTEE AMENDMENT NO. 2
TO SUBSTITUTE FOR SENATE BILL 128

Amend substitute for Senate Bill 128 as follows:

On page 1, line 26, delete the semi-colon after the word “act” and further delete the phrase thereafter beginning with the word “providing” and ending with the word “process” in line 29.

Further amend on page 10, line 4, by adding the following sentence:

But, however, no state agency shall be terminated unless it has first been reviewed by the select joint committee created herein.

COMMITTEE AMENDMENT NO. 1 TO HOUSE SUBSTITUTE
FOR SENATE BILL 128

Amend substitute for Senate Bill 128, Section 3, (a) subsection 3, as follows:

On page 2 in line 33, strike out all of subsection 3, which reads as follows:

3. Department of Agriculture and Industries—created by Title 2, Section 14, Code of Alabama 1940, 1923.

Renumber the remaining subsections after deleting the above.

HOUSE COMMITTEE SUBSTITUTE FOR S. B. 128

A BILL
TO BE ENTITLED
AN ACT

An Act creating the “Alabama Sunset Law of 1976” providing definitions; providing for the termination of state agencies, as defined in the Act, or listed dates; providing a deadline for reaching a

recommendation as to continuance or termination, as defined herein, on or before the first legislative day immediately following review; providing that any agency, unit or subunit which is terminated shall have 180 days in which to conclude its affairs after which time the specified agency, unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the state fund from which appropriation was made; providing for a 4-year limit on the life of any continued or newly created agency, after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of agencies under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation" providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature and the Governor for distribution on, or before, the first legislative day of the regular session; providing expenses and pay of committee members be made from the state treasury from funds appropriated for the payment of the expenses of the legislature; providing for voting as to the recommendations of the committee and the continuance of any agency by simple majority vote of both Houses; providing for the Examiners of Public Accounts and Legislative Fiscal Office to assist in the review and evaluation process; providing that the Governor be urged to adopt the principles of a "zero-based review and evaluation" in budgetary preparations; providing for the retention of all claims and rights of citizens; providing for severability; providing for repeal of laws inconsistent with this act; and providing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Short title.—This Act shall be known as the "Alabama Sunset Law of 1976."

Section 2. Definitions. As used in this Act, unless the context requires a different meaning the following words shall be defined as follows:

(a) "Agency" shall mean to include all departments, divisions, bureaus, commissions, councils and boards, or like governmental units or subunits of the State of Alabama, regulatory in nature or otherwise.

(b) The word "continuance," or derivative thereof, shall mean continuance as presently in existence or as modified by recommended legislation.

(b) (c) "Performance audit" shall mean the same as operational audit.

(c) (d) "Termination: shall mean the end, abolishment or annulment of any agency or the act of causing the existence to cease.

Section 3. The following agencies shall terminate on the given dates, unless they have received a majority roll-call vote by each house of the legislature that they be continued:

(a) October 1, 1977, shall be the termination date for:

1. Alabama Public Service Commission—Created by Title 48, Section 1, 1881.

2. Alabama Alcoholic Beverage Control Board—created by Title 29, Section 3, Code of Alabama 1940, 1937.

3. Department of Agriculture and Industries—created by Title 2, Section 14, Code of Alabama 1940, 1923.

4. Board of Agriculture and Industries—created by Title 2, section 25, Code of Alabama 1940, 1939.

5. Farmers' Market Authority—created by Act No. 672, S. 99 of the 1965 Regular Session (Acts 1965, p. 1208), 1965.

6. Office of State Veterinarian—created by Act No. 694, H. 810 of the 1947 Regular Session (Acts 1947, p. 528), 1947.

7. Department of Labor—created by Act No. 198, S. 341 of the 1943 Regular Session, (Acts 1943, p. 252), 1943.

8. Department of Industrial Relations—created by Title 26, Section 1, Code of Alabama 1940, 1939. (And boards—created by Title 26, Section 25, Code of Alabama 1940, 1939.)

9. Advisory Council—created by Title 26, Section 231 of Code of Alabama 1940, 1939.

10. Department of Examiners of Public Accounts—created by Act No. 351, S. 66, 1947, Regular Session (Acts 1947, p. 231, 1947.)

11. Board of Appeals—created by Title 26, Section 8, Code of Alabama 1940, 1939.

12. Department of Insurance—created by Act No. 407, H. 198, 1971 Regular Session (Acts 1971, v. II, p. 707), 1971.

13. Alabama Securities Commission—created by Act No. 740, H. 189 of 1969 Regular Session (Acts 1969, v. II, p. 1315), 1969.

14. Continuing Interim Committee on Finance and Taxation—created by Act No. 949, S. J. R. 130, 1975 Regular Session (Acts 1975, p. 1984-1985), 1975.

15. Alabama Liquefied Petroleum Gas Board—created by Act No. 220, H. 162, 1965 Regular Session (Acts 1965, v. I, p. 305), 1965.

16. Alabama Board of Cosmetology—created by Act No. 653, H. 489 of the 1957 Regular Session (Acts 1957, v. II, p. 981), 1957.

17. Board to Examine Entomologists, Horticulturists, Floriculturists, and Tree Surgeons—created by Title 2, Section 671, Code of Alabama 1940, 1939.

18. Boxing and Wrestling Commission—created by Title 55, Section 347 of the Code of Alabama 1940, 1939.

19. State Board of Veterinary Medical Examiners—created by Title 46, Section 313, Code of Alabama 1940, as amended, and Act No. 1224, S. 660 of the 1975 Regular Session.

20. State Board of Examiners of Speech Pathology and Audiology—created by Act No. 90, S. 102 of the 1975 Fourth Special Session.

21. State Ethics Commission—created by Act No. 130, H. 240 of the 1975 Regular Session. (Supersedes Act No. 1056 of the 1973 Regular Session.) 1973.

22. Air Pollution Control Commission—created by Act No. 769, H. 702 of the 1971 Regular Session (Acts 1971, v. II, p. 1481), 1971.

23. Alabama Commission on Intergovernmental Cooperation—created by Act No. 882, H. 892, of the 1965 Regular Session (Acts 1965, v. II, p. 1659).

(b) October 1, 1978, shall be the termination date for:

1. Alabama Board of Examiners in Psychology—created by Act No. 78, S. 72 of the 1961 Regular Session (Acts 1961, v. II, p. 1955), 1961.

2. State Board of Medical Examiners—created by Act No. 161, H. 165 of the Third Special Session of 1975.

3. Alabama Board of Funeral Service—created by Act No. 214, S. 326 of the 1975 Regular Session.

4. Board of Nursing and the Advisory Councils for Nursing—created by Act No. 427, H. 234 of the 1975 Regular Session.

5. Fire Fighters Personnel and Education Commission—created by Act No. 863, S. 441 of the 1975 Regular Session.

6. Alabama Peace Officers Standards and Training Commission—created by Act No. 1981, H. 732 of the 1971 Regular Session (Acts 1971, v. IV, p. 3224) 1971.

7. State Polygraph Examiners Board—created by Act No. 2056, H. 399 of the 1971 Regular Session (Acts 1971, v. IV, p. 3307), 1971.

8. Alabama Real Estate Commission—created by Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745) and as amended and reenacted by Act No. 162, H. 166 of the Third Special Session of 1975.

9. Board of Certification of Water and Waste Water Systems Personnel—created by Act No. 1594, H. 434 of the 1971 Regular Session (Acts 1971, v. IV, p. 2728), 1971.

10. Alabama State Bar—created by Title 46, Section 21, Code of Alabama 1940, 1923.

11. Board of Bar Examiners—created by Act No. 436 of the 1949 Regular Session (Acts 1949, p. 632), 1949.

12. State Board of Barber Examiners—created by act No. 403, H. 330 of the 1971 Regular Session (Acts 1971, v. I, p. 689), 1971.

13. Alabama Board of Hearing Aid Dealers—created by Act No. 2425, H. 392 of the 1971 Regular Session (Acts 1971, v. V, p. 3858), 1971.

14. Board of Dental Examiners—created by Act No. 100, S. 68 of the 1959 Regular Session (Acts 1959, v. I, p. 569), 1959.

15. Board of Physical Therapy—created by Act No. 476, H. 8 of the 1965 Regular Session (Acts 1965, v. I, p. 686), 1965.

16. State Board of Examiners of Nursing Home Administrators—created by Act No. 986, S. 77 of the 1969 Regular Session (Acts 1969, v. II, p. 1734), 1969.

17. Board of Registration for Sanitarians—created by Act No. 209 of the 1964 First Special Session (Acts 1964, p. 279), 1964.

18. Board of Examiners of Mine Personnel—created by Act No. 207, S. 134 of the 1949 Regular Session (Acts 1949, p. 242), 1949.

19. Board of Medical Technicians Examiners—created by Title 46, Section 151, Code of Alabama 1940, 1937.

20. Board of Nursing (Act No. 427, H. 234 of the 1975 Regular Session)—created by Act No. 867, S. 210 of the 1965 Regular Session (Acts 1965, p. 1615).

21. Board for Registration of Architects—created by Title 46, Section 10, as amended, Code of Alabama 1940, 1931.

22. Board of Examiners of Landscape Architects—created by Act No. 2396, H. 609 of the 1971 Regular Session (Acts 1971, v. V, p. 3819), 1971.

23. State Board of Chiropractic Examiners—created by Act No. 108, H. 152 of the 1959 Regular Session (Acts 1959, v. I, p. 612), 1959.

24. State Board of Embalming—created by Title 46, Section 121 of the Code of Alabama 1940, 1894 (merged into Alabama Board of Funeral Service).

25. State Board of Medical Examiners—created by Title 46, Section 258, Code of Alabama 1940, (1877), as amended, and Act No. 161 of the Third Special Session of 1975.

26. State Board of Optometry—created by Title 46, Section 190, Code of Alabama 1940, (1919), and Act No. 1148, H. 600 of the 1975 Regular Session.

27. State Board of Pharmacy—created by Act No. 147, H. 25 of the Third Special Session 1975, and Act No. 205, S. 134 of the 1966 Special Session (Acts 1966, p. 231), 1966.

28. Alabama State Board of Public Accountancy—created by Title 46, Section 2, as amended, Code of Alabama 1940, 1919.

29. State Board of Registration for Foresters—created by Act No. 533, S. 166 of the 1957 Regular Session (Acts 1957, v. II, p. 750), 1957.

30. State Board for Registration of Professional Engineers and Land Surveyors—created by Act No. 79, S. 76 of the 1961 Regular Session (Acts 1961, v. II, p. 1975), 1961.

31. State Licensing Board for General Contractors—created by Title 46, Section 66, Code of Alabama 1940, 1935.

32. State Licensing Board for the Healing Arts—created by Act No. 106, H. 150 of the 1959 Regular Session (Acts 1959, v. I, p. 590), 1959.

33. State Pilotage Commission—created by Title 38, Section 46, Code of Alabama 1940, 1852.

34. Judicial Commission—created by Act No. 1187, S. 208 of the 1971 Regular Session (Acts 1971, v. III, p. 2049), 1971.

(c) October 1, 1979, shall be the termination date for:

1. Department of Public Safety—created by Act No. 585, H. 798 of the 1953 Regular Session (Acts 1953, p. 828), 1953.

2. Alabama Law Enforcement Planning Agency—created by Executive Order No. 8, dated November 14, 1968, Executive Order No. 11, dated April 22, 1969 and Executive Order No. 6, dated March 4, 1971.

3. State Supervisory Board of Alabama Law Enforcement Planning Agency—created by Executive Order No. 8, dated November 14, 1968, Executive Order No. 11, dated April 22, 1969 and Executive Order No. 6, dated March 4, 1971.

4. Regional Planning Boards—created by Executive Order No. 8, dated November 14, 1968, Executive Order No. 11, dated April 22, 1969 and Executive Order No. 6, dated March 4, 1971.

5. Department of Civil Defense—created by Act No. 47, S. 65 of the 1955 First Special Session (Acts 1955, p. 267).

6. Civil Defense Advisory Council—created by Act No. 47, S. 65 of the 1955 First Special Session (Acts 1955, p. 267).

7. Criminal Justice Information Systems Center—created by Act No. 872, S. 711 of the 1975 Regular Session.

8. Office of Toxicologist—created by Title 14, Section 387 through Section 390, Code of Alabama 1940, 1935.

9. State Safety Coordinating Committee—created by Act No. 92 of the 1965 First Special Session (Acts 1965, p. 107), 1965.

10. Board of Corrections of Alabama—created by Act No. 202, S. 27 of the 1953 Regular Session (Acts 1953, v. I, p. 267).

11. State Board of Pardons and Paroles—created by Title 42, Section 1, Code of Alabama 1940, 1939.

12. Department of Conservation and Natural Resources—created by Act No. 987, H. 1049 of the 1971 Regular Session (Acts 1971, v. III, p. 1763), 1971.

13. Alabama Surface Mining Reclamation Commission—created by Act No. 551, S. 887 of the 1975 Regular Session.

14. Alabama State Guard—created by Act No. 1038, H. 1005 of the 1973 Regular Session (Acts 1973, v. III, p. 1572), 1973.

15. Department of Veteran's Affairs—created by Act No. 173, H. 311 of the 1945 Regular Session (Acts 1945, p. 304), 1945.

16. State Board of Veteran's Affairs—created by Act No. 173, H. 311 of the 1945 Regular Session (Acts 1945, p. 304), 1945.

17. Armory Commission of Alabama—created by Title 35, Section 186 of the Code of Alabama 1940, 1927.

18. Alabama State Docks Department—created by Act No. 103, H. 230 of the 1955 Regular Session (Acts 1955, p. 345), 1955.

(d) October 1, 1980, shall be the termination date for:

1. State Board of Health—created by Title 22, Section 1, Code of Alabama 1940, 1919.

2. State Health Planning and Development Agency—created by Act No. 1197, H. 1433 of the 1975 Regular Session.

3. Statewide Health Coordinating Council—created by Act No. 1197, H. 1433 of the 1975 Regular Session.

4. State Committee of Public Health—created by Act No. 762 of the 1973 Regular Session.

5. Department of Mental Health—created by Act No. 881, H. 699 of the 1965 Regular Session (Acts 1965, v. II, p. 1649), 1965.

6. Alabama Mental Health Board—created by Act No. 881, H. 699 of the 1965 Regular Session (Acts 1965, v. II, p. 1649), 1965.

7. State Department of Pensions and Security—created by Act No. 341, H. 17 of the 1955 Regular Session (Acts 1955, v. II, p. 763), 1955.

8. State Board of Pensions and Security—created by Act No. 341, H. 17 of the 1955 Regular Session (Acts 1955, v. ii, p. 763), 1955.

9. Alabama Water Wells Standards Board—created by Act No. 1516, H. 1864 of the 1971 Regular Session (Acts 1971, v. IV, p. 2630), 1971.

10. Board for Distribution and Delivery of Dead Bodies—created by Title 22, Section 174 of the Code of Alabama 1940, 1923.

11. Governors Committee on Employment of the Handicapped—created by Act No. 226, H. 201 of the 1965 Regular Session (Acts 1965, v. I, p. 323), 1965.

12. Radiation Control Agency—created by Act No. 582, H. 122 of the 1963 Regular Session (Acts 1963, v. II, p. 1269), 1963.

13. Radiation Advisory Board—created by Act No. 582, H. 122 of the 1963 Regular Session (Acts 1963, v. II, p. 1269), 1963.

14. State Forestry Commission—created by Act No. 764, H. 673 of the 1969 Regular Session (Acts 1969, v. II, p. 1354), 1969.

15. Water Improvement Commission—created by Act No. 1260, S. 79 of the 1971 Regular Session (Acts 1971, v. III, p. 2175), 1971.

16. State Highway Department—created by Title 23, Section 1, Code of Alabama 1940, 1939.

17. Highway Finance Corporations

Alabama State Highway Corporation—created by Act No. 44 and Act No. 181 of the 1935 Regular Session, 1935.

Alabama Bridge Commission—created by Title 23, Section 97, Code of Alabama 1940, 1939.

Alabama Highway Finance Corporation—created by Act No. 228 of the 1965 Regular Session (originally created 1943).

Alabama Highway Authority—created by Act No. 43, H. 3 of the 1955 First Special Session (Acts 1955, v. I, p. 66), 1955.

Alabama Turnpike Authority—created by Act No. 166, H. 232 of the 1955 Regular Session (Acts 1955, v. I, p. 412), 1955.

Dauphin Island Bridge Authority—created by Act No. 447, H. 269 of the 1966 Special Session (Acts 1966, p. 605), 1966.

18. State Oil and Gas Board—created by Act No. 1, H. 46 of the 1945 Regular Session (Acts 1945, p. 1), as amended, 1945.

19. State Toll Bridge Authority—created by Act No. 734, H. 23, of the 1969 Regular Session (Acts 1969, v. II, p. 1289), 1969.

20. Alabama Department of Aeronautics—created by Act No. 402, S. 217, 1945 Regular Session (Acts 1945, p. 620), 1945.

21. Alabama Dairy Commission—created by Act No. 408, H. 815 of the 1971 Regular Session (Acts 1971, v. II, p. 1069), 1971.

22. State Banking Department—created by Act No. 204, H. 30 of the 1955 Regular Session (Acts 1955, v. I, p. 497), 1955.

23. Banking Board—created by Title 5, Section 6, (1939).

23. Savings and Loan Board—created by Title 5, Section 244, as amended, 1939.

25. Credit Union Board—created by Act No. 2293, H. 221 of the 1971 Regular Session (Acts 1971, v. V, p. 3694), 1971.

Any state agency existing on the date of the passage of this act and not specifically listed in this act shall be terminated on October 1, 1978, and the provisions hereof shall apply to them as if they were enumerated herein.

Any entity, which receives state funds of whatever nature, existing on the date of the passage of this act and not specifically listed in this act shall be subject to a performance audit by the joint committee at such times and in such manner as it deems appropriate. Any such agency shall be required to furnish any information or records requested by the committee.

Section 4. Legislative committee review of state agencies shall begin at least four months prior to the regular legislative session next preceding the date upon which the agencies are scheduled to terminate pursuant to Section 3, and shall conclude with a recommendation for continuation or termination on or before the first legislative day immediately following said review.

Section 5. Any agency specified in Section 3 which is terminated shall have a period of 180 days from the date of termination for the purpose of ceasing its affairs, and termination shall not reduce or otherwise limit the powers, duties or functions of each in this regard. Upon the expiration of this 180-day period, the specified agency, and its personnel positions shall be abolished with all unexpended funds reverting back to the state fund from which that appropriation was made.

Section 6. The life of any agency scheduled for termination under this act may be continued on a roll-call vote of the legislature, as provided herein, after which time review and evaluation pursuant to the provisions of this act shall be repeated. Any newly created agency shall have a life, stated in its enabling legislation, not to exceed four years and shall be subject to the provisions of this act.

Section 7. Pursuant to the language of Section 4, the legislative committees reviewing such agencies, shall hold public hearings and receive testimony from the public and all interested parties. All agencies shall bear the burden of establishing that sufficient public need is present which

justifies their continued existence. All agencies shall provide the reviewing and evaluating committee with the following information:

(1) The identity of all agencies under the direct or advisory control of the agency under review;

(2) All powers, duties and functions currently performed by the agency under review;

(3) All constitutional, statutory, or other authority under which said powers, duties and functions of the agency are carried out;

(4) Any powers, duties or functions which, in the opinion of the agency under review, are being performed and duplicated by another agency within the state including the manner in which, and the extent to which, this duplication of efforts is occurring and any recommendations as to eliminating the duplication;

(5) Any powers, duties or functions which, in the opinion of the agency under review, is inconsistent with current and projected public needs and which should be terminated or altered; and

(6) Any other information which the reviewing committees, in their discretion, feel is necessary and proper in carrying out their review and evaluative duties.

Section 8. In said public hearings, the determination as to whether a sufficient public need for continuance is present shall take into consideration the following factors concerning the agency under review and evaluation:

(1) The extent to which any information required to be furnished to the reviewing committees pursuant to Section 7 has been omitted, misstated, or refused, and the extent to which conclusions reasonably drawn from said information is adverse to the legislative intent inherent in the powers, duties, and functions as established in the enabling legislation creating said agency, or is inconsistent with present or projected public demands or needs;

(2) The extent to which statutory changes have been recommended which would benefit the public in general as opposed to benefitting the agency;

(3) The extent to which operation has been efficient and responsive to public needs;

(4) The extent to which it has been encouraged that persons regulated report to the agency concerning the impact of rules and decisions regarding improved service, economy of service, or availability of service to the public;

(5) The extent to which the public has been encouraged to participate in rule-and-decision-making as opposed to participation solely by persons regulated;

(6) The extent to which complaints have been expeditiously processed to completion in the public interest; and

(7) The extent to which the division, agency or board has permitted qualified applicants to serve the public;

(8) The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the agency or the industry it regulates;

(9) Any other relevant criteria which the reviewing committees, in their discretion, deem necessary and proper in reviewing and evaluating the sufficient public need for continuance of the respective agency.

Section 9. In conjunction with the criteria enumerated in Section 8, one criterion which shall be used in determining sufficient public need in such public hearings shall be a "zero-based review and evaluation." A "zero-based review and evaluation" shall be a comprehensive review and evaluation to determine if the merits of the agency support continuation rather than termination and reach a finding as to what amounts of funding, if any, shall be authorized to produce correspondingly greater or lesser levels of responsibility and service output. Such a procedure shall necessitate the review and evaluation of all powers, duties and functions which currently are exercised by the agency as well as any request for additions to said powers, duties or functions when reviewing the sufficient public need of the agency. Said "zero-based review and evaluation" shall include, but not be limited to, the following factors:

(1) An identification of other agencies having the same or similar objective, along with a comparison of the cost and effectiveness of said agencies, and any duplication of the agency under review;

(2) Any identification of any agency which has not received and expended state tax dollar revenues within a period of two years prior to said hearings;

(3) An examination of the extent to which the objectives of the agency have been achieved in comparison with the objectives as initially set forth in the enabling legislation and an analysis of any significant variance between projected and actual performance;

(4) A specification, to the extent feasible, in quantitative terms, of the objectives of said agency for the next four years; and

(5) An examination of the impact of said agency on the economy of the state.

Section 10. The Speaker of the House and the President of the Senate shall act to appoint a select seven member joint committee to be named no later than September 1, 1976. The Speaker of the House shall appoint, in addition to the Chairman of the Ways and Means Committee, two members from the House. The President of the Senate shall appoint, in addition to the Chairman of the Finance and Taxation Committee, two members from the Senate. The seventh member of the select joint committee shall be selected jointly by the Speaker of the House and the President of the Senate from among the members of the legislature. A select seven-member joint committee shall be named no later than September 1, 1976. In addition to the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Ways and Means Committee, two members of the House and two members of the Senate shall be elected in the same manner as the elected members of the Legislative Council by the respective Houses. The seventh member shall be a person selected by the Alabama Labor Council, the Alabama State Chamber of Commerce, and the Alabama Farm Bureau Federation. The Chairman of the House Ways and Means Committee shall serve as the

Chairman of the select joint committee the first year and the second year the Chairman of the Senate Finance and Taxation Committee shall serve as Chairman of the select committee; each year thereafter the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance and Taxation Committee shall alternate as Chairman of the select joint committee created herein.

Said select joint committee shall be charged with the duty of assisting in the implementation of the procedures of this act and shall be charged with the duty of establishing administrative procedures which shall facilitate the review and the evaluation procedure as provided for in this act.

The committee shall submit its report to the offices of the Speaker and the President for distribution to legislators and the Governor on, or before, the first legislative day of the ensuing regular legislative session. The committee shall submit a report of its recommendations to the legislature in such form that the legislature may vote to accept or reject the recommendation with respect to each agency. If the committee's recommendation is that the agency be continued and the legislature votes to accept the recommendation, such agency shall be continued; if the committee's recommendation is that the agency be terminated, and the legislature votes to accept the recommendation, such agency shall be terminated upon the date specified in Section 3 of this act. The committee shall file with its report data in support of its recommendations with respect to each agency. The committee shall use Sections 8 and 9 hereof as the guideline in preparing its report.

The committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature. There shall be no limitation upon the number of days the committee or any subcommittee thereof shall meet; provided, however, the members shall be entitled to payment only for the days they are actually engaged in committee business.

Section 11. On the tenth legislative day of the regular session, one hour after the last House convenes, voting in the respective houses of the legislature on the joint committee's recommendations shall commence and thereafter shall continue, from day to day until voting on all the recommendations with respect to each agency are completed, as the first order of business. Termination or continuance of any agency, unit or subunit shall be by simple majority roll-call vote of both House and Senate; provided, however, that debate on the termination or continuance of any agency, unit or subunit shall not continue beyond the period of two hours from the start of debate on each vote and a recorded vote must be taken at the expiration of said debate, if no vote is taken prior to the termination of debate then in that event the agency will terminate as provided herein.

Debate as used in this section shall mean two hours total time allocated for discussion on each agency considered for continuance. At the end of this two-hour period of time allocated, which shall be continuous and uninterrupted, it shall be mandatory that the President of the Senate and the Speaker of the House shall, in their respective houses call for a recorded vote on whether to continue the agency in question.

Section 12. The Examiners of Public Accounts and Legislative Fiscal Office of the state shall furnish, upon request of the reviewing and

evaluating committees, any relevant information including the results of prior audits and reviews of any agency under review.

Section 13. The Governor is urged to utilize the principles of "zero-based review and evaluation" for each state agency in his preparation of the budget for each fiscal year and to include such analysis, together with this recommendations, in his transmission of the budget to the legislature.

Section 14. No more than one agency shall be continued or reestablished in any one bill for an act resolution, and such agency shall be mentioned in the bill's resolution's title, as provided by law. The Governor shall have the power to veto any such resolution, the same as if it were a bill.

Section 15. This act shall not cause the dismissal of any claim or right of citizen against any state agency terminated pursuant to the provisions of this act which is subject to administrative hearing or litigation.

Section 16. Nothing in this act shall be construed to abrogate any powers, duties or functions of any agency established by the people of Alabama in the Constitution of 1901. If any provision of this act or the application thereof to any person or circumstance is held invalid, it shall be the intent of the legislature that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application. To this end the provisions of this act are declared severable.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert.

—26

Nays:

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RESOLUTION

Mr. Clemon offered the following Senate Resolution, to-wit:

S. R. 137. COMMENDING CLARENCE L. REEVES, SR. UPON HIS RETIREMENT FROM THE FIELD OF PUBLIC EDUCATION.

WHEREAS, Clarence L. Reeves Sr. was born in Palestine, Texas and completed his education at Illinois State Normal University and the University of Illinois; and

WHEREAS, Clarence L. Reeves, Sr. commenced his teaching career at Selma University in the State of Alabama and later served as the director of the Department of Teacher Training of the said university; and

WHEREAS, Clarence L. Reeves, Sr., served as principal of Mason Elementary School of Brewton, Alabama; Decatur High School of Decatur, Alabama; and Westfield High School of Birmingham, Alabama; and daily shaped, influenced and enriched the lives of thousands of Alabama youth for two decades; and

WHEREAS, Clarence L. Reeves's dedication and keen interest in the education and general well-being of youth continued to flourish as he moved to the State of Indiana and served as the acting elementary supervisor and principal of Lincoln School, respectively, in the City of Gary until June, 1976; and

WHEREAS, Clarence L. Reeves, Sr., has recently announced his retirement from the field of public education; now therefore,

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, That we commend Clarence L. Reeves, Sr. upon his retirement for his total dedication to public education and his undying influence on the lives of the present generation of Alabama citizens, and we bid him well as he embarks on new careers and endeavors.

On motion of Mr. Clemon, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1061. Relating to Etowah County; to amend Act No. 829, S. 292, 1975 Regular Session [Acts 1975, p. 1655], which vests in the Etowah County Commission direct and effective financial supervision over county agencies; to authorize said commission to fund state and municipal offices, departments, boards, etc. after the needs of county offices have been met.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

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Nays:

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The Bill:

H. 1090. To provide for purging the lists of registered voters in Pike County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1105. To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202) which levies and provides for the collection of a lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and conventions in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1106. Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars (\$6,000) per annum, so long as such judge is a resident of Geneva County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1112. Relating to Russell County; to provide the Russell County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1118. To change the method of compensating certain officers of Washington County, placing such officers on a salary basis and providing for the operation of the offices on such basis.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1121. To authorize the governing bodies of all counties having populations of not less than 41,750 and not more than 45,000, according to the 1970 or any subsequent federal decennial census, to appropriate funds from the county highway and traffic fund such amount as in their opinion is proportionate with the expenses incurred by the county in law enforcement relative to building and maintaining roads, traffic control and motor vehicle laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

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Nays:

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The Bill:

H. 1133. Relating to Lee County; providing that the county commission or like governing body shall be paid for their services an

additional two cents (\$0.02) per mile for each mile necessarily traveled by them while discharging their official duties in letting out, inspecting and accepting, building or repairing any of the county bridges, buildings, roads or works; providing that such additional per diem sums shall be paid in the same manner and from the funds of the county as prescribed by law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1134. Relating to Lee County board of registrars; providing for thirty dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1130. To change the name of the Town of Eagen in Geneva County to the name Town of Malvern and to extend the boundary lines and corporate limits of said municipality.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1138. Relating to any county having a population of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census; providing further for the salaries of the probate judge, sheriff, revenue commissioner and the chairman of the county governing body of any such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1128. To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1146. Providing for purging the lists of registered voters in Coffee County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1063. To provide for supplementing the salary or compensation paid to District Judges in Judicial Districts composed of one County, having not less than 38,100 population and not more than 40,500 population according to the last Federal Decennial Census.

was taken up.

Mr. Baker offered the following amendment to the Bill, H. B. 1063, to-wit:

AMENDMENT TO H. B. 1063

On the fourth line of the title, and on the third line of Section 1, strike the word "last" and insert in lieu thereof the following:

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Flipppo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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And said Bill, H. B. 1063, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Flipppo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1107. To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1107, to-wit:

COMMITTEE AMENDMENT TO H. B. 1107

Amend H. B. 1107 by striking Section 3 in its entirety and inserting in lieu thereof the following:

"Section 3. The governing body of Geneva County shall provide the probate judge with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as are necessary for the proper and efficient conduct of his office. The number and compensation of any personnel so provided shall be fixed by the Probate Judge, with the consent of the governing body, and shall be paid in equal monthly installments out of the general fund of the county. The office of the Probate Judge shall be in the County Courthouse and shall be located on the main floor thereof."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

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And said Bill, H. B. 1107, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1160. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the 1970 or any subsequent federal decennial census; providing further for the costs and charges in criminal proceedings in any court in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King,

Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

H. 1161. To amend Section 1 of Act No. 898, H. 1390, 1975 Regular Session (Acts of 1975, p. 1760), entitled "Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county", so as to increase the clerk hire allowance.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1163. To amend Section 1 of Act No. 286, H. 250, Regular Session 1965 (Acts of 1965, p. 399), as amended, which act regulates the compensation of county board of education members in certain counties based on population, so as to provide further for the compensation of such persons.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1166. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of obtaining and working a gainful employment.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1172. To amend and extend the town limits of Killen, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 86. To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammell or similar type net in that part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto and to prescribe penalties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1159. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent decennial census; to provide that the governing bodies of such counties shall be given the authority to provide per diem allowance for full time law enforcement officers of county sheriff's departments while on duty and to authorize expenditure of funds for that purpose.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1159, to-wit:

COMMITTEE AMENDMENT TO H. B. 1159

In the title, on line 8, and in Section 1, on line 17 strike out the words, "most recent," and insert in lieu thereof the following:

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

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Nays:

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And said Bill, H. B. 1159, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—25

Nays:

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The Bill:

H. 1162. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide that witnesses may be subpoenaed by United States mail in such counties under certain conditions and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 162, to-wit:

COMMITTEE AMENDMENT TO H. B. 1162

In the synopsis, on page 1, line 12, in the title, on page 1, line 22, and in Section 1, on page 1, line 31, strike out the words "most recent," and insert in lieu thereof the following:

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 1162, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1164. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; providing for the appointment of a deputy chief clerk in the office of the judge of probate in such counties; defining such clerk's duties and authority; requiring the filing of a bond; and prescribing that such appointment be made from persons presently employed in the probate office so as to require no additional expense to the county.

was taken up.

Mr. Littleton offered the following amendment to the Bill, H. B. 1164, to-wit:

AMENDMENT TO H. B. 1164

In the title, on line 14, and in section 1, line 24, strike out the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 1164, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1165. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent Federal decennial census; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

was taken up.

Mr. Littleton offered the following amendment to the Bill, H. B. 1165, to-wit:

AMENDMENT TO H. B. 1165

In the title, on line 15, and in Section 1, on line 24, strike out the words “most recent” and insert in lieu thereof the words

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

And said Bill, H. B. 1165, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 1167. Relating to all counties in this state having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to authorize the county commission to pay certain school, seminar and convention expenses incurred by the sheriff and deputies and certain investigation expenses incurred by the district attorney or sheriff and to prescribe procedure for making such payments.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1167, to-wit:

COMMITTEE AMENDMENT TO H. B. 1167

In the title, on page 1, line 20, and in Section 1, on page 1, line 30 strike out the words, "most recent", and insert in lieu thereof the following:

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 1167, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1175. To increase the fee for a license to carry a pistol in all counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census.

was taken up.

Mr. McDonald (S) offered the following amendment to the Bill, H. B. 1175, to-wit:

AMENDMENT TO H. B. 1175

In the title on line 17, and in Section 1, on line 22, strike the words "most recent" and insert in lieu thereof the words:

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

— 25

Nays:

— 0

And said Bill, H. B. 1175, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

— 25

Nays:

— 0

The Bill:

H. 1176. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the most recent federal decennial census; authorizing the probate judge in such counties to appoint deputy registrars in such counties for the purpose of registering voters therein; providing that the probate judge and county governing body shall fix the days, not to exceed thirty (30) per annum, the times and locations for the registration and the probate judge shall give advertised public notice thereof; providing that the cost for advertising shall be paid out of the county funds; and providing that such mileage allowance as now provided by law for registrars in such counties.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1176, to-wit:

COMMITTEE AMENDMENT TO H. B. 1176

In the title, on line 14, page 1, and in Section 1, line 27, on page 1, strike out the words "most recent," and insert the following:

"1970 or any subsequent"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 1176, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 914. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds.

Also:

H. 915. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of jury commissioners in such counties, payable out of county funds.

Also:

H. 916. Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds.

Also:

H. 920. Relating to Colbert County, to amend Act No. 645, S. 593, Regular Session 1965 (Acts 1965, p. 1164), which Act provides that the state highway department shall maintain all roads and bridges in said county, so as to provide that the county governing body of Colbert County

shall make certain decisions as to which new roads shall be built and which existing roads shall be maintained.

Also:

H. 922. Relating to counties with populations of not less than 16,600 nor more than 16,950, authorizing and directing the State Highway Department to maintain all county roads which serve as rural mail or school bus routes, and providing for county referendum vote thereon.

Also:

H. 923. Relating to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; providing additional expense allowances for the circuit judges and the district attorneys, payable out of the treasury of such counties.

Also:

H. 939. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Maplesville in Chilton County.

Also:

H. 967. Relating to counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; to provide further for the salary of the county superintendent of education of such counties; to provide that the provisions of this act shall become effective July 1, 1977.

Also:

H. 993. Relating to Hale County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

H. 1004. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Also:

H. 1005. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Also:

H. 1006. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Also:

H. 1027. Relating to Covington County Board of Education; providing for an increase in mileage allowances for members of the board in the performance of their duties; and providing for the payment of such funds out of the educational funds of the county treasury in the same manner as now provided by law.

Also:

H. 715. Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

Also:

H. 716. Relating to Houston County; to further implement Section 9 of Act Number 160, 1971, and provide the Houston County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Also:

H. 717. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; increasing the fee for the issuance of pistol permits; providing for the deposit of such additional fees in a fund to be designated the law enforcement fund; and providing for the use of such funds.

Also:

H. 775. Relating to any county having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census, to provide deputies and other assistance to the sheriff; fixing their compensation, repealing conflicting law.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 327. DESIGNATING THE GYMNASIUM AT FALKVILLE HIGH SCHOOL THE TOM DRAKE GYMNASIUM.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 69. URGING FULL IMPLEMENTATION OF THE GOVERNOR'S COST CONTROL SURVEY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 30. RESOLUTION NAMING THE RESIDENT HALL AT GADSDEN STATE JUNIOR COLLEGE THE LEWIS W. FOWLER BUILDING.

Also:

H. J. R. 36. ENCOURAGING PHENIX CUTTING AND SEWING PLANT, INC. TO REMAIN IN PHENIX CITY, ALABAMA.

Also:

H. J. R. 47. EXPRESSING CONCERN AND OPPOSITION TO PROPOSED PLANS TO CLOSE NUMEROUS SMALL AND RURAL POST OFFICES.

Also:

H. J. R. 62. URGING CONGRESS TO SUPPORT THE GENERAL REVENUE SHARING PROGRAM.

Also:

H. J. R. 73. RELATIVE TO NEED FOR HEALTH CARE FACILITIES IN WEST ALABAMA.

Also:

H. J. R. 78. MEMORIALIZING CONGRESS TO PASS HOUSE

BILL 5626 THAT ALLOWS FOOD STAMP RECIPIENTS TO PURCHASE SEED FROM GARDEN SUPPLY STORES.

Also:

H. J. R. 83. NAMING THE BASEBALL FIELD AT ATHENS STATE COLLEGE THE "JOHN W. MOORE FIELD".

Also:

H. J. R. 100. REQUESTING STATE AGENCIES TO FILE MORE SIMPLE ANNUAL REPORTS.

Also:

H. J. R. 201. DESIGNATING A PORTION OF ALABAMA HIGHWAY NUMBER 20 AND UNITED STATES HIGHWAY NUMBER 72 (ALTERNATE) "SPACE MUSEUM BOULEVARD".

Also:

H. J. R. 227. PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

Also:

H. J. R. 275. NAMING THE NEW INTERCOASTAL CANAL BRIDGE ON HIGHWAY 59 IN BALDWIN COUNTY THE "DR. W. C. HOLMES BRIDGE."

Also:

H. J. R. 276. COMMENDING THOSE PEOPLE INSTRUMENTAL IN THE SUCCESSFUL SCOTTSBORO BICENTENNIAL CELEBRATION.

Also:

H. J. R. 279. CONGRATULATING JENNIFER CHANDLER UPON WINNING AN OLYMPIC GOLD MEDAL.

Also:

H. J. R. 281. DESIGNATING A CERTAIN PORTION OF HIGHWAY 21 "THE JACKSONVILLE STATE UNIVERSITY HIGHWAY."

Also:

H. J. R. 291. COMMENDING MR. JERRY BELK AND THE BOARD AND STAFF OF TUSCALOOSA COUNTY PARK AND RECREATION AUTHORITY.

Also:

H. J. R. 293. HONORING JUDGE ERIS F. PAUL UPON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 335. To establish a comprehensive system for budgeting and financial management.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 335, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 335

A BILL
TO BE ENTITLED
AN ACT

To establish a comprehensive system for budgeting and financial management.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Short Title. This act may be cited a The Budget Management Act.

SECTION 2. Purpose. It is the purpose of this act to establish a comprehensive system for budgeting and financial management which furthers the capacity of the governor and the legislature to plan and finance the services which they determine the state will provide for its citizens. The system shall include procedures for:

(a) the orderly establishment, continuing review, and periodic revision of the program and financial goals and policies of the state;

(b) the development, coordination, and review of long range program and financial plans that will implement established state goals and policies;

(c) the preparation, coordination, analysis, and enactment of a budget, organized to focus on state services and their costs, that authorizes the implementation of policies and plans in the succeeding budget period;

(d) the evaluation of alternatives to existing policies, plans, and

procedures that offer potential for more efficient or effective state services; and

(e) the regular appraisal and reporting of program performance.

(f) For the Purposes of this Act the term agency/department shall include state agencies, departments, boards, bureaus, the legislature and institutions of the State.

SECTION 3. Responsibilities of the Governor. The governor is responsible for the preparation and administration of the state budget and the evaluation of the long range program plans, requested budgets, and alternatives to state agency/department policies and programs, and formulation and recommendation for consideration by the legislature, a proposed comprehensive program and financial plan which shall cover all estimated receipts and expenditures of the state government, including all grants, loans, and moneys received from the Federal government. Proposed expenditures shall not exceed estimated revenues and resources.

SECTION 4. Responsibilities of the Legislature. The legislature shall:

(a) consider the program and financial plan recommended by the governor, including proposed goals and policies, tax rate and other revenue changes, and long range program plans;

(b) adopt programs and alternatives it deems appropriate to the plan recommended by the governor;

(c) adopt legislation to authorize the implementation of a comprehensive program and financial plan; and

(d) provide for a post-audit of financial transactions, program accomplishments, and execution of legislative policy direction.

SECTION 5. Responsibilities of the Department of Finance. The Department of Finance shall:

(a) assist the governor in the preparation and explanation of the proposed comprehensive program and financial plan, including the coordination and analysis of state agency/department program goals and objectives, program plans, and program budget requests;

(b) develop procedures to produce the information needed for effective decision making;

(c) assist agencies/departments in preparing their statement of goals and objectives, program plans, program budget requests, and reporting of program performance;

(d) administer its responsibilities under the program execution provisions of this act so that the policy decisions and budget determination of the governor and the legislature are implemented to the fullest extent possible within the concepts of proper management; and

(e) provide the legislature with budget information.

(f) The Department of Finance shall assist agencies/departments in the preparation of their proposals under Section 6 (a). This assistance; organization of materials; centrally collected accounting, budgeting, and personnel information; standards and guidelines formulation; population

and other required data; and any other assistance that will help the state agencies/departments produce the information necessary for efficient agency/department management and effective decision making by the governor and the legislature.

SECTION 6. Agency/Department Program and Financial Plans.

(a) Each state agency/department, on the date and in the form and content prescribed by the Department of Finance, shall prepare and forward to the Budget Officer the following program and financial information:

(1) the goals and objectives of the agency/department programs, together with proposed supplements, deletions, and revisions to such programs;

(2) its proposed plans to implement the goals and objectives including estimates of future service needs, planned methods of administration, proposed modification of existing program services and establishment of new program services, and the estimated resources needed to carry out the proposed plan;

(3) the budget requested to carry out its proposed plans in the succeeding fiscal year. The budget requested information shall include the expenditures during the last fiscal year, those estimated for the current fiscal year, those proposed for the succeeding fiscal year, and any other information requested by the Department of Finance;

(4) a report of the revenues during the last fiscal year, an estimate of the revenues during the current fiscal year, and an estimate for the succeeding fiscal year.

(5) a statement of legislation required to implement the proposed programs and financial plans; and

(6) an evaluation of the advantages and disadvantages of specific alternatives to existing or proposed program policies or administrative methods.

(b) The state agency/department proposals prepared under subsection (a) shall describe the relationships of their program services to those of other state agencies/departments, other branches of state government.

(c) If any state agency/department fails to transmit the program and financial information provided under subsection (a) on the specified date, the Department of Finance may prepare such information.

(d) The Department of Finance shall compile and submit to the governor-elect or any year when a new governor has been elected, not later than November 20, a summary of the program and financial information prepared by state agencies departments.

SECTION 7. Governor's Recommendation.

(a) The governor shall formulate the program and financial plan to be recommended to the legislature after considering each state agency's proposed program and financial plan. The governor's plan shall include his recommended goals and policies, recommended plans to implement the goals and policies, recommended budget for the succeeding fiscal year, and recommended revenue measures to balance the budget.

(b) The proposed comprehensive program and financial plan will be presented by the governor in a message to a joint session of the legislature on or before the 5th legislative day of each regular session of the legislature. The message shall be accompanied by an explanatory report which summarizes recommended goals, plans and appropriations. The explanatory report shall be furnished each member of the legislature and each state agency/department on or before the 5th legislative day of the regular session of legislature. The report shall contain the following information:

(1) the coordinate program goals and objectives that the governor recommends to guide the decisions on the proposed program plans and budget appropriations;

(2) the program and budget recommendations of the governor for the succeeding fiscal year;

(3) a summary of state revenues in the last fiscal year, a revised estimate for the current fiscal year, and an estimate for the succeeding fiscal year;

(4) a summary of expenditures during the last fiscal year, those estimated for the current fiscal year, and those recommended by the governor for the succeeding fiscal year; and

(5) any additional information which will facilitate understanding of the governor's proposed program and financial plan by the legislature and the public.

SECTION 8. Legislative Review. The legislature shall consider the governor's proposed comprehensive program and financial plan, evaluate alternatives to the governor's recommendations, and determine the comprehensive program and financial plan to support the services to be provided the citizens of the state, provided, however, that in such determination authorized expenditures shall not exceed estimated revenues and resources.

SECTION 9. Program Execution.

(a) Except as limited by policy decisions of the governor, appropriations by the legislature, and other provisions of law, the several state agencies/departments shall have full authority for administering their program assignments and appropriations, and shall be responsible for their proper management.

(b) Each state agency/department shall prepare an annual plan for the operation of each of its assigned programs. The operations plan shall be prepared in the form and content and be transmitted on the date prescribed to the Department of Finance.

(c) The Department of Finance shall:

(1) review each operations plan to determine that it is consistent with the policy decisions of the governor and appropriations by the legislature, that it reflects proper planning and efficient management methods, that appropriations have been made for the planned purpose and will not be exhausted before the end of the fiscal year;

(2) approve the operations plan if satisfied that it meets the requirements under paragraph (1). Otherwise the Department of Finance shall require revision of the operations plan in whole or in part; and

(3) modify or withhold the planned expenditures at any time during the appropriation period if the Department of Finance finds that such expenditures are greater than those necessary to execute the programs at the level authorized by the governor and the legislature, or that the revenues and resources will be insufficient to meet the authorized expenditure levels.

(d) No state agency/department may increase salaries of its employees, employ additional employees, or expend money, or incur any obligations except in accordance with law and with a properly approved operations plan by the Director of Finance.

(e) Appropriation transfers or changes as between objects of expenditures within a program may be made only by the Director of Finance. Appropriation transfers or changes between programs within an agency/department may be made only by the governor and shall be reported to the legislature quarterly. If transfers shall be made between agencies/departments except pursuant to interagency agreements executed for purposes of accomplishing objectives for which the funds involved were appropriated.

(f) The Department of Finance shall report quarterly to the governor and the legislature on the operations of each state agency/department, relating actual accomplishments to those planned, and modifying, if necessary, the operations plan of any agency/department for the balance of the fiscal year.

SECTION 10. Performance Reporting.

(a) Each state agency/department, shall submit a performance report to the Department of Finance on or before November 1 for the preceding fiscal year. These reports shall be in the form prescribed by the Budget Officer, and shall include statements concerning:

(1) the work accomplished, and the services provided, in the preceding fiscal year or other meaningful work period, relating actual accomplishments to those planned under Section 9 (b);

(2) the relationship of accomplishments and services to the policy decisions and budget determinations of the governor and the legislature;

(3) the costs of accomplishing the work, and providing the services, and, to the extent feasible, citing meaningful measures of program effectiveness and cost; and

(4) the administrative improvements made in the preceding year, potential improvements in future years, and suggested changes in legislation or administrative procedures to make further improvements.

(b) The Finance Department shall summarize the performance reports and forward copies to each member of the legislature annually.

SECTION 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

SECTION 12. All laws or parts of laws which conflict with this act are hereby repealed.

SECTION 13. This Act shall become effective immediately upon its

passage and approval by the governor, or upon its otherwise becoming a law.

Yeas 24; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Waldrop, Wilson.

—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 126. Relating to certain positions in the state department of education; providing that such positions shall continue to be subject to and governed by the state merit system law, except as to the fixing of the salaries for such positions, until vacated by the incumbents of such positions, respectively, when this act becomes law, but shall thereafter not be subject to such law; regulating powers and duties of the state board of education and the state superintendent of education relative to such positions and the recruitment and employment of persons to fill such positions.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 212. To require the State department of education to establish a program of courses or lectures in the public schools of this State to teach the principles of patriotism in its curriculum.

Also:

S. 216. To require the state board of education to afford all students attending public kindergarten, primary and secondary schools the opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 499. To allow as a deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

Also:

S. 111. To amend Section 16-113 of Act No. 1205, S. 400 of the 1975 Regular Session, relating to the uniform fee system in circuit and district courts, to add the collection and payment of fees in the sales of abandoned automobiles provided by Act No. 1154, H. 675 of the 1971 Regular Session (Acts 1971, Vol. III, p. 1999).

Also:

S. 224. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$25.00; to provide for the effective date of this Act.

Also:

S. 222. Relating to livestock dealers, the annual permit required of such dealers, bills of sale required and removal of the prohibition of the sale of livestock at night; to amend Section 385, as amended, and Section 386 of Title 2 of the Code of Alabama of 1940, relating to livestock dealers, the annual permit required and the fee required therefor, bills of sale and bills of lading required thereunder; and to repeal Section 387 of Title 2 of the Code of Alabama of 1940 which prohibits the sale of livestock after sunset or before sunrise.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 494. For the relief of Continental Telephone Company; making an appropriation from the state treasury to compensate such company for telephone service furnished for the district attorney of the Twenty-fourth Judicial Circuit in prior years.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 297. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the

insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Teague, McCluskey and Dial:

H. J. R. 354. MOURNING THE DEATH OF DR. HERMAN LONG.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Rules were suspended and the Resolution, H. J. R. 354, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

H. 185. To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to

establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

Mr. Roberts offered the following amendment to the Bill, H. B. 185, to-wit:

AMENDMENT TO H. B. 185

Page 1 line 33 Section 2 Strike all of Section 2 and insert new Section 2 as follows; "This Act shall become effective this year upon its passage and approval by the Governor, or upon its otherwise becoming a law".

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 128. An Act creating the "Alabama Sunset Law of 1976" providing definitions; providing for the termination of state agencies, as defined in the Act, or listed dates; providing a deadline for reaching a recommendation as to continuance or termination, as defined herein, on or before the first legislative day immediately following review; providing that any agency, unit or subunit which is terminated shall have 180 days in which to conclude its affairs after which time the specified agency, unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the state fund from which appropriation was made; providing for a 4-year limit on the life of any continued or newly created agency, after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of agencies under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation" providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature and the Governor for distribution on, or before, the first legislative day of the regular session; providing expenses and pay of committee members be made from the state treasury from funds appropriated for the payment of the expenses of the legislature; providing for voting as to the recommendations of the committee and the continuance of any agency by simple majority vote of both Houses; providing for the Examiners of Public Accounts and Legislative Fiscal Office to assist in the review and evaluation process; providing that the Governor be urged to adopt the principles of a "zero-based review and evaluation" in budgetary preparations; providing for the retention of all claims and rights of citizens; providing for severability; providing for repeal of laws inconsistent with this act; and providing an effective date.

OBIE J. LITTLETON,
Acting Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 387. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for the interest on the public debt and for the public schools.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 138. To authorize and empower Recorders of municipalities of less than 300,000, according to the last or any subsequent federal census, to suspend sentences and grant probation to persons convicted of violating municipal ordinances; to authorize investigations; to authorize imposition of terms and conditions or probation; to authorize revocation of probation and re-arrest of defendants; to provide for the discharge of persons complying with the terms and conditions of probation; to require Recorders to file monthly reports with the governing body; and to preserve the pardon and parole power of the mayor.

Also:

S. 362. To require every municipality in the state to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 185

The Senate proceeded to further consideration of the Bill, H. B. 185. The question was on the amendment offered by Mr. Roberts.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 1042. Relating to all counties having a population of not less than 34,000 nor more than 34,800 according to the 1970 or any subsequent federal decennial census; to provide further for the fees of the coroner.

Also:

H. 954. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census the bailiffs of any Inferior State or County Court now having two or more judges shall be compensated on a salary basis and to regulate the payment thereof.

Also:

H. 938. Relating to Lauderdale County, amending Act No. 1616, H. 2004, Regular Session 1971 (Acts 1971, p. 2776), which Act authorizes the district attorney to hire a secretary and providing for the payment of such secretary, so as to provide further for the payment of such secretary.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 131. COMMENDING SENATOR J. RICHMOND PEARSON ON BEING SELECTED TO APPEAR AS COUNSEL IN A MOOT COURT TRIAL TELEVISED BY THE MISSISSIPPI EDUCATIONAL TELEVISION SYSTEM.

WHEREAS, our distinguished colleague Senator J. Richmond Pearson has been selected by the Educational Television System of the State of Mississippi to appear as counsel in a moot court trial scheduled for statewide broadcast in the State of Mississippi in August; and

WHEREAS, Senator Pearson was selected based on his outstanding reputation as a lawyer in the State of Alabama and based on his recent contribution to and performance in an Alabama Educational Television Special on Criminal Justice; and

WHEREAS, the members of this body do recognize Senator Pearson's outstanding oratorical and acting ability as demonstrated by his performance in this body; now therefore

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does commend Senator J. Richmond Pearson on being selected to appear as counsel in a moot court trial televised by the Mississippi Educational Television System.

BE IT FURTHER ENACTED, That a copy of this resolution be given to Senator Pearson.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 132. NAMING HOUSE BILL 42 AND THE ACT NO. ASSIGNED THERETO, IN THE EVENT THE BILL BECOMES LAW, THE "ROBERTSON-PEARSON ACT"

WHEREAS, Senator J. Richmond Pearson and Representative Edward "Big Ed" Robertson worked long and diligently for the passage of House Bill 42, providing for the development of a prison industry system and for prison made products to be sold to state agencies and other political subdivisions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That House Bill 42 and the Act No. assigned thereto, in the event the Bill becomes law, be known as the "Robertson-Pearson Act".

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 130. To authorize the Director of Finance, the Highway Director, the Attorney General, the State Treasurer and the Executive Secretary to the Governor to become a corporation; to prescribe the powers of such corporation, including the power to construct interstate and defense highways in the State and to finance such construction by the issuance of its Bonds; to authorize the Corporation to issue not exceeding \$212,000,000 aggregate principal amount of Bonds; to authorize the issuance of Temporary Bonds and Notes in anticipation of the issuance of such Bonds; to provide that no such Obligations shall create an obligation or debt of the State but that such Obligations shall be limited obligations payable solely out of federal aid interstate and defense highway funds to be received during federal fiscal years ending in 1978 through 1983, the proceeds of the taxes and fees in respect of gasoline and other motor fuels, and motor vehicles and the sale, receipt or use thereof, interest on the investment of funds herein provided for, and the revenues of the Corporation appropriated and pledged in this Act; to provide for the pledge of such funds, taxes, fees, interest and appropriations to the payment of said Obligations; to provide that such Obligations and the income therefrom shall be exempt from taxation; to provide that such Obligations may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to authorize the Corporation to pledge for payment of the principal of and interest on such Obligations the money appropriated and the funds, taxes, fees, interest and appropriations pledged in this Act; and otherwise to provide for or accelerate the construction of interstate and defense highway projects; and to confer on said Corporation the power of eminent domain.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. McNees:

H. J. R. 248. COMMENDING J. PAUL SPRINGFIELD UPON HIS RETIREMENT.

Also:

By Mr. Dial:

H. J. R. 249. COMMENDING THE CLAY COUNTY FREEDOM SINGERS.

Also:

By Mr. McNees:

H. J. R. 250. COMMENDING ROBERT PENNINGTON UPON HIS RETIREMENT.

Also:

By Mr. Starkey:

H. J. R. 258. CONGRATULATING THE CITY OF SCOTTSBORO FOR THEIR BICENTENNIAL EFFORTS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 248, 249, 250, and 258, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Brindley:

H. J. R. 265. COMMENDING MR. AND MRS. HUBERT STREET UPON THEIR RETIREMENT FROM THE ONEONTA SCHOOL SYSTEM.

Also:

By Messrs. Lutz, Riddick, Moore (W), Albright, Gregg and Smith (B):

H. J. R. 266. MOURNING THE DEATH OF W. E. POPEJOY.

Also:

By Mr. Kennedy:

H. J. R. 267. MOURNING THE DEATH OF CLARENCE ALLEN LOTT, SR., OF MOBILE.

Also:

By Mr. McNees:

H. J. R. 268. COMMENDING MR. DEWEY JORDAN UPON HIS RETIREMENT AS PRESIDENT OF LAMAR COUNTY FARM BUREAU.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 265, 266, 267, and 268, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Starkey:

H. J. R. 283. COMMENDING MR. P. L. BENTLEY UPON HIS RETIREMENT AS PRINCIPAL OF THE NORTH SAND MOUNTAIN HIGH SCHOOL.

Also:

By Mr. Brindley:

H. J. R. 284. COMMENDING THE RE'GENERATION SINGERS.

Also:

By Mr. Edwards:

H. J. R. 285. MOURNING THE DEATH OF RALPH REYNARD NORMAN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 283, 284, and 285, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 643. To provide for the relief of Charles John Salors by granting to him the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Also:

S. 620. To further amend Section 11 of Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717, et seq.) establishing a retirement system for officers and employees of Jefferson County, as heretofore amended.

Also:

S. 614. To amend the title of Act 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 applicable in all counties having a population of 600,000 or more according to the last or any subsequent decennial census and to also amend Section 2 of said Act by defining the term "county prisoner", used in said Section, so that said term means "any prisoner serving a state or county term", and by defining the term "county jail", used in said Section, so that said term means "the county jail, a county correctional center, or any other facility in which prisoners are serving their terms in said county."

Also:

S. 573. To amend Act No. 431, Ex. Sess., 1966, relating to restrictions on the sale of groceries on Sunday in each county having a population of 500,000 or more according to the last or any succeeding federal census, so as to increase the maximum number of employees that may be employed in a store authorized to stay open on Sunday from four to six.

Also:

S. 550. To authorize any municipality having two hundred fifty thousand inhabitants or more according to the last or any subsequent federal census to sell and regulate the sale of stolen, abandoned, lost or unclaimed personal property.

Also:

S. 549. To empower the governing body of any City in the State having a population of two hundred fifty thousand or more to establish a pension and relief or retirement and relief system for its unclassified employees, the benefits of which may extend to the widows and children of such employee; and to provide for a board of managers by which the same shall be administered.

Also:

S. 81. To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which

established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama" as heretofore amended, by providing for minimum monthly benefits for members of the system and the widows of deceased members of the system, and by providing for supplemental allowances for the payment of such minimum monthly benefits and by giving same retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 195. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 11, 15, 16, 18, 21, 23, 29, 31, 37, 38, 39, 47, and 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Also:

S. 201. To amend Section 7 (3), H. 300, Act No. 513, Alabama Acts, Regular Session, 1975 to provide that the Joint Underwriting Association need not be the exclusive agency through which medical liability insurance may be written on a primary basis in this state for physicians.

Also:

S. 20. To further amend Section 48, Title 36, Code of Alabama 1940, as amended, which section relates to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn right or left on a red traffic signal.

Also:

S. 196. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 17, 19, 22, 24, 30, 32, 38, 39, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates

general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 568. To amend further Section 1 of Act No. 668, S. 787, Regular Session 1969 (Acts 1969, p. 1203), as amended, which act regulates the compensation of members of the county board of registrars in all counties having populations of not less than 75,000 nor more than 90,000 inhabitants according to the 1970 or any subsequent federal decennial census so as to regulate further such compensation.

Also:

S. 569. To amend further Section 1 of Act No. 142, H. 508, Regular Session 1969 (Acts 1969, p. 414), as amended, regulating the compensation of members of the county board of registrars in all counties having populations of not less than 27,000 nor more than 27,900, according to the 1970 or any subsequent federal decennial census so as to regulate further such compensation.

Also:

S. 584. To provide for an expense allowance for the district court judges of the District Court of Morgan County pursuant to the creation of the court by Alabama Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, p. 2384).

Also:

S. 585. Relating to Morgan County; providing for the manner of the election of the county superintendent of education and fixing his salary at the same rate and the method of payment in the same manner as he presently is paid.

Also:

S. 610. Relating to Morgan County; to provide that the Morgan County Commission shall have the right to perform surfacing, maintenance and work on public roads anywhere within the county, including within the limits of incorporated municipalities; to provide that the provisions of this act shall terminate May 1, 1978.

Also:

S. 53. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the 1970 or any subsequent federal decennial census.

Also:

S. 55. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Also:

S. 59. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the 1970 or any subsequent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties; to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Also:

S. 635. To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 330. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Also:

S. 331. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Woodland in Randolph County.

Also:

S. 238. To authorize, permit and regulate certain activities on Sunday in each county in the State which has a population of not less than 56,500 nor more than 59,000, according to the 1970 or any subsequent federal decennial census; and to require a special license of certain businesses which operate on Sunday as authorized by this Act.

Also:

S. 257. To provide for the publication of a list of qualified electors in DeKalb County; to prescribe procedure for the payment of expenses incurred in the publication of such list and to repeal all conflicting statutes.

Also:

S. 258. To alter and rearrange the boundaries of the Town of Ider, DeKalb County, Alabama, so as to include within the corporate limits thereof, upon approval by referendum election, the territory hereinafter described; and to provide for the conduct of the election.

Also:

S. 261. To provide that the State Department of Revenue shall collect all gasoline taxes levied in DeKalb County and said department is authorized to promulgate rules and regulations pursuant to the collection of such taxes and to provide for the recovery of the costs of collection of such taxes out of the proceeds of such taxes.

Also:

S. 262. To amend the title, Section 1 and Section 2 of Act No. 906, H. 1867, 1975 Regular Session (Acts of 1975), which provides that the DeKalb County Commission may levy a severance tax on coal in said county, so as to provide that the State Department of Revenue shall collect all severance taxes on coal levied by DeKalb County, promulgate rules and regulations pursuant to the collection of such taxes, and recover the costs of collection of such taxes, out of the proceeds of such collections; to provide that the first \$250,000 of such tax money that the county receives be designated for the county general fund and the remainder to go to the DeKalb County Road and Bridge Fund.

Also:

S. 283. Relating to all counties having populations of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing that associations or corporations organized for the purpose of operating water works for unincorporated areas in such counties under Title 10, Section 168 of the Code of Alabama, as amended, relating to single tax or co-operative associations, shall be further exempt from any state or county license tax on gross receipts, and no license or excise tax may be imposed on any such authority organized for such purposes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 343. Providing that the Probate Judge of Jackson County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Also:

S. 345. To repeal Act No. 28, H. 33, 1975 Fourth Special Session, (Acts of 1975, approved November 12, 1975) entitled "An Act Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections."

Also:

S. 346. To repeal Act No. 27, H. 32, 1975 Fourth Special Session (Acts of 1975), entitled "Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections."

Also:

S. 359. Relating to the city of Rainsville, DeKalb County, Alabama so as to earmark one-half of one cent ($\frac{1}{2}\%$) of the existing city sales tax and use tax to be paid to the Rainsville Civic Center and Coliseum Authority, Inc. for the purpose of constructing a Civic Center and Coliseum and to provide that any excess over the amount needed to amortize the construction loan or bonds may be used for operation and maintenance of the Civic Center and Coliseum and to provide for the length of time of the earmarking and to provide that the treasurer or persons authorized to draw warrants or checks on said funds shall be bonded.

Also:

S. 372. To alter and rearrange the boundaries of the town of Rainsville, DeKalb County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

Also:

S. 408. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment

such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Also:

S. 474. Relating to Calhoun County, authorizing the county governing body to contribute available county funds to the Anniston Museum of Natural History.

Also:

S. 514. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; to relieve and exempt the Clerk of the county or district court and the tax collector of such counties from personal liability for errors, mistakes and omissions of employees serving under him.

Also:

S. 544. To amend further Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts 1965, v. 1, p. 762); to amend such Act in relation to the compensation of the appointed members of the commission and the compensation of the clerk of the jury commission; and to give this Act retroactive effect.

Also:

S. 547. To provide for an expense allowance for the solicitors of Morgan County in addition to all other salary, compensation and expense allowances provided for by law; giving this act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 391. Relating to Cullman County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Also:

S. 403. To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202), which levies and provides for the collection of a lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and conventions in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

Also:

S. 433. Relating to counties having populations of not less than 50,000 nor more than 52,500 inhabitants according to the most recent

federal decennial census; to provide further for the compensation or expense allowance of the district court judge in such counties.

Also:

S. 434. Relating to Franklin County; to provide a certain additional expense allowance for the tax assessor of said county; to provide for the employment of certain additional personnel by said official; to provide for the compensation of such personnel and to repeal all conflicting statutes.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 185

The Senate proceeded to further consideration of the Bill, H. B. 185. The question was on the amendment offered by Mr. Roberts.

BILL RE-REFERRED

Mr. Littleton moved that the Bill, H. B. 777, be removed from the Standing Committee on Local Legislation No. 1 and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 777, re-referred to the Standing Committee on Finance and Taxation.

POINT OF PERSONAL PRIVILEGE

Mr. Stewart requested and received unanimous consent to have the Journal show that had he been present on final passage on the Bill, H. B. 86, he would have voted "Aye".

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 541. Relating to fire districts in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census; providing for payment of debts upon the annexation of an entire fire district or a portion of a fire district by a municipal corporation in any such county.

Also:

H. 450. Relating to counties having populations of not less than 20,000 nor more than 70,000 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Also:

H. 152. To further regulate the clerk hire allowance of the circuit clerk in all counties having populations of not less than 24,900 nor more

than 25,150 according to the 1970 or any subsequent federal decennial census.

Also:

H. 602. Relating to Dallas County, to amend further Section 1, Act No. 11, S. 59, Regular Session 1959 (Acts 1959, p. 416), which act fixes the compensation of certain officers in said county, so as to provide further for the compensation of such officers.

Also:

H. 1091. To amend Sections 1, 4 and 7 of Act No. 29 enacted at the 1970 Special Session of the Legislature of Alabama so as to provide that any district heretofore organized thereunder and having corporate power to own and operate a sewer system shall be authorized also to own and operate, in the service area in which it is authorized to render sewer service, a solid waste collection and disposal system without any amendment of its charter and without changing its name; so as to provide that the term "sewer system" as used in said Act No. 29 shall include a solid waste disposal system and so as, in effect, to authorize districts hereafter organized thereunder that have sewer powers also to own and operate solid waste disposal systems and to furnish solid waste collection and disposal services; and so as to permit any district organized thereunder that is empowered to provide fire protection service to provide such service directly or to contract with another to provide such service and to enter into all necessary contracts incidental thereto.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 992. To authorize and provide for the incorporation in Marengo County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in said county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall

constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of said county, or of any municipality or political subdivision of the county; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation in the state, including license and excise taxes, levied by the state, any county, municipality, or political subdivision of the state; to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all taxation by the state; to exempt such authority from payment of certain charges to the judge of probate; to exempt any authority organized hereunder from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of said county or the municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the authorizing government; and to provide for the dissolution of any such authority and the disposition of its property.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 878. Further regulating the liquor traffic in Pike County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale in Pike County of "table wines," as herein defined and distinguished from "fortified wines," in manner similar to the procedure by which beer, malt or brewed beverages are now sold; levying a county tax on half-pints and miniatures of spirituous liquors and on table wines, the proceeds thereof to be used for capital outlay and maintenance purposes for schools in Pike County; and providing that this act shall be inoperative unless approved by a majority of the qualified electors of Pike County who vote thereon at a referendum.

Also:

H. 170. To exempt the county law enforcement association from paying certain license fees for certain alcoholic malt beverages in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 618. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to direct the county commission of all such counties to set up a county-wide water authority; to give the water authority certain powers; to direct such authority to assist in the development of certain community water systems; and to provide for the cooperation of such water authority with certain boards and offices.

Also:

H. 1041. To amend Section 1 of Act No. 599, H. 1694, Regular Session of 1975 (Acts 1975, p. 1350) entitled "An Act to regulate further the fees of sheriffs in all counties of this state having populations of not less than 57,000 and not more than 61,000 according to the 1970 or any subsequent federal decennial census" so as to provide further for such fees.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Carter, Gregg and Cross:

H. J. R. 351. EXPRESSING DISAPPROVAL OF THE PARKS DIVISION OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR THEIR THREAT TO CLOSE SMALL STATE PARKS.

WHEREAS, the numerous smaller state parks provide needed recreation and enjoyment for Alabama citizens throughout the state; and

WHEREAS, small parks in many towns in Alabama are extremely important to senior citizens who spend their leisure time there and to young boys and girls who require playground facilities to maintain bodily health; and

WHEREAS, these small state parks present an excellent place and opportunity for a family to enjoy one another; and

WHEREAS, the Department of Conservation and Natural Resources, because of a cut in their requested budget by the State Senate, has threatened to close many of these small state parks as a vindictive measure to intimidate the legislature, regardless of the effect of such actions upon the citizens of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body strongly disapproves of the threat by the Parks Division of the Department of Conservation and Natural Resources to close small parks, and this body hopes that the Parks Division will reconsider this decision.

BE IT FURTHER RESOLVED, That if it is absolutely necessary to close any state parks, the Parks Division will first close the large resort

type parks, which tend to be too expensive for and out of touch with the everyday person.

FURTHER RESOLVED, That a copy of this resolution be sent to the Parks Division of the Department of Conservation and Natural Resources.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 351, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Sasser:

H. J. R. 338. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE EDUCATION FUNCTIONS OF ALL INSTITUTIONS WITHIN THE DEPARTMENT OF MENTAL HEALTH AND THE ALABAMA PRISON SYSTEM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officers of the respective houses. The membership of the committee shall elect from among its membership a chairman and vice chairman. The committee shall investigate and study the education functions of all institutions within the Department of Mental Health and within the Alabama prison system. The committee shall report its findings, conclusions, and recommendations to the Ways and Means Committee and the Finance and Taxation Committee prior to the budget hearing for the next regular session, whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and actual travel expense at the same rate paid state employees for travel on business of the committee which shall be paid out of any funds appropriated to the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

BE IT FURTHER RESOLVED that the spending of the committee be limited to 3,000 dollars.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 338, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Kinsey and McMillan:

H. J. R. 321. COMMENDING FRANK HRABE FOR A JOB WELL DONE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 321, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 128. RELATIVE TO COMMENDING THE LOVELY MRS. ALBERT MCDONALD ON ATTAINING NATIONAL RECOGNITION.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Starkey:

H. J. R. 296. COMMENDING MISS KATHERYN ARMSTRONG OF THE TOWN OF STEVENSON, ALABAMA, FOR HER CONTRIBUTIONS TO THE BICENTENNIAL CELEBRATION.

Also:

By Mr. Starkey:

H. J. R. 297. COMMENDING THE TOWN OF STEVENSON, ALABAMA FOR ITS ENTHUSIASTIC SUPPORT AND PARTICIPATION IN OUR NATION'S BICENTENNIAL CELEBRATION.

Also:

By Mr. McNees:

H. J. R. 298. CONGRATULATING JAMES M. BARTON FOR TWENTY-ONE YEARS OF MERITORIOUS SERVICE TO FAYETTE COUNTY.

Also:

By Mr. McNair:

H. J. R. 303. COMMENDING BERNICE BEDELL UPON RECEIVING THE PRINCIPALS' ACHIEVEMENT AWARD FOR THE ELEMENTARY DIVISION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 296, 297, 298, and 303, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 115. RELATIVE TO CONGRATULATING MISS JANE CULBRETH UPON BEING NAMED PRESIDENT OF THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS.

Also:

S. J. R. 120. RELATIVE TO CONGRATULATING THE "KILGORE TOM BOYS".

Also:

S. J. R. 121. RELATIVE TO COMMENDING EUGENE H. STARNES UPON HIS RETIREMENT.

Also:

S. J. R. 126. RELATIVE TO CONGRATULATING THE ADAMSVILLE, ALABAMA, DIXIE YOUTH BOYS LEAGUE BASE-BALL TEAM.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McMillan and McCorquodale:

H. J. R. 336. MOURNING THE DEATH OF WILLIAM D. HARRIGAN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mims, the Rules were suspended and the Resolution, H. J. R. 336, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Waggoner:

H. J. R. 355. Naming Senate Bill 212 and 216 the Callahan-Bank Bills.

WHEREAS, Representative Sonny Callahan and Senator Bert Bank have exhibited great patriotism by passing Senate Bill 212 and Senate Bill 216 relating to the reciting of the pledge of allegiance to the United States flag and to the teaching of principles of patriotism in our school system;

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That Senate Bill 212 and Senate Bill 216 be named the Callahan-Bank Bills.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 355, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 96. RELATIVE TO COMMENDING THOMAS P. McCABE UPON HIS RETIREMENT AS AUBURN COOPERATIVE EXTENSION COUNTY CHAIRMAN OF MONTGOMERY COUNTY.

Also:

S. J. R. 98. RELATIVE TO COMMENDING THE AUBURN UNIVERSITY COOPERATIVE EXTENSION SERVICE EMPLOYEES IN ELMORE COUNTY.

Also:

S. J. R. 99. RELATIVE TO COMMENDING FRED WARD UPON RECEIVING THE PRINCIPALS' ACHIEVEMENT AWARD FOR THE SECONDARY DIVISION.

Also:

S. J. R. 111. RELATIVE TO MOURNING THE DEATH OF JOHN RADNEY CHADWICK.

Also:

S. J. R. 114. RELATIVE TO COMMENDING CIRCUIT JUDGE FRED W. NICOL UPON BEING ELECTED PRESIDENT OF THE CIRCUIT JUDGES ASSOCIATION OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 185

The Senate proceeded to further consideration of the Bill, H. B. 185. The question was on the amendment offered by Mr. Roberts.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 591. To provide that any circuit clerk who is serving as such clerk on October 1, 1976, and who has served twenty-three years shall be eligible for supernumerary status at any time provided he has paid contributions into the supernumerary fund for the number of years required by the Judicial Implementation Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 326. RELATIVE TO CREATING A SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 1175. To increase the fee for a license to carry a pistol in all counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 1167. Relating to all counties in this state having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to authorize the county

commission to pay certain school, seminar and convention expenses incurred by the sheriff and deputies and certain investigation expenses incurred by the district attorney or sheriff and to prescribe procedure for making such payments.

Also:

H. 1165. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent Federal decennial census; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Also:

H. 1164. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for the appointment of a deputy chief clerk in the office of the judge of probate in such counties; defining such clerk's duties and authority; requiring the filing of a bond; and prescribing that such appointment be made from persons presently employed in the probate office so as to require no additional expense to the county.

Also:

H. 1107. To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

Also:

H. 1063. To provide for supplementing the salary or compensation paid to District Judges in Judicial Districts composed of one County, having not less than 38,100 population and not more than 40,500 population according to the 1970 or any subsequent Federal Decennial Census.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Greer, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley,

McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

H. J. R. 358. COMMENDING SEN. FLIPPO FOR HIS SUCCESSFUL ATTEMPT FOR THE FIFTH CONGRESSIONAL SEAT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Rules were suspended and the Resolution, H. J. R. 358, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 287. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143) which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Also:

H. 1159. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent decennial census; to provide that the governing bodies of such counties shall be given the authority to provide per diem allowance for full time law enforcement officers of county sheriff's departments while on duty and to authorize expenditure of funds for that purpose.

Also:

H. 1176. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; authorizing the probate judge in such counties to appoint deputy registrars in such counties for the purpose of registering voters therein; providing that the probate judge and county governing body shall fix the days, not to exceed thirty (30) per annum, the times and location for the registration and the probate judge shall give advertised public notice thereof; providing that the cost for advertising shall be paid out of the county funds; and providing that such mileage allowance as now provided by law for registrars in such counties.

Also:

H. 1162. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that witnesses may be subpoenaed by United States mail in such counties under certain conditions and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 331. EXPRESSING APPRECIATION TO THE MEMBERS OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA WHO PARTICIPATED IN THE "PHYSICIAN FOR A DAY" PROGRAM.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 69. To repeal Act No. 698, H. 1853, 1975 Regular Session, entitled, "An Act To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws."

Also:

H. 706. To further amend Section 257, Title 13, Code of Alabama 1940, as amended, which fixes the compensation of the deputy district attorney of certain counties.

Also:

H. 304. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Also:

H. 807. To amend Section 1 of Act No. 791 (Regular Session, 1973) providing an expense allowance for each circuit judge of the Twenty-third Judicial Circuit.

Also:

H. 593. Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

Also:

H. 945. To regulate the excusing of persons from jury service in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to authorize requiring persons excused from jury service at one time to serve at a prior or later date; and to regulate the compensation of jurors summons for one week but required to serve in another.

Also:

H. 952. To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Also:

H. 936. Relating to Perry County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

H. 996. Relating to Lawrence County; regulating the compensation of the county superintendent of education of Lawrence County.

Also:

H. 997. Relating to Lawrence County; to provide that the county governing body may appropriate money to any volunteer fire department within the county for the purpose of purchasing equipment and supplies.

Also:

H. 1025. Relating to Lamar County; further regulating the compensation of the county superintendent of education.

Also:

H. 1036. Relating to Etowah County; permitting banks now or hereinafter situated anywhere in Etowah County to establish, maintain and operate branch banks and branch offices within the limits of the City of Sardis for the conduct of a general banking and trust business; and repealing conflicting laws.

Also:

H. 315. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitoes, rodents and other vectors of public health and welfare significance.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1126. Relating to all counties having a population of not less than 38,100, nor more than 40,500, according to the most recent Federal decennial census; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for such County, and levying a "law library fee" tax.

Also:

H. 1127. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Also:

H. 1139. To amend Section 3.06 of Act No. 404, S. 430, Regular Session 1953 (Acts of Alabama 1953, p. 472), as amended, permitting any city in the State of Alabama having a population of more than 30,000 and not exceeding 33,000 according to the last or any succeeding federal census to adopt the council-manager form of municipal government so as to further provide for the office of mayor.

Also:

H. 1035. To provide for an expense allowance for the District Attorney of the Eighteenth Judicial Circuit, composed of the counties, Clay, Coosa and Shelby, and providing for the payment of such expense allowance out of the general funds of the counties composing said judicial circuit.

Also:

H. 966. To amend Act No. 431, Ex. Sess., 1966, relating to restrictions on the sale of groceries on Sunday in each county having a population of 500,000 or more according to the last or any succeeding federal census, so as to increase the maximum number of employees that may be employed in a store authorized to stay open on Sunday from four to six.

Also:

H. 1150. To name Alabama Highway 10 from Abbeville to Fort Gains the Buddy Crawford Highway and the bridge on Highway 10 between Alabama and Georgia as the Buddy Crawford Bridge.

Also:

H. 264. To repeal Act No. 446, H. 228, 1957 Regular Session of the Legislature [Acts of 1957, Vol. I, p. 608; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125(78)], entitled "To regulate further the office of solicitor of the Seventeenth Judicial Circuit of Alabama; creating a solicitor's fund for each county composing the circuit, and providing for the expenditure and use thereof."

Also:

H. 1182. To amend Section 2 of Act No. 668, H. 918, 1967 Regular Session (Acts of 1967, p. 1493), entitled "To provide additional compensation for the official court reporter of the third judicial circuit," so as to eliminate the provision for the termination of such additional compensation and to give this amendment retroactive effect.

Also:

H. 1184. To authorize each circuit judge of the Eleventh Judicial Circuit to appoint one full time bailiff, or in the alternative each to appoint two bailiffs for any session, or in lieu of these options, by the concurrence of each judge the presiding judge is authorized to appoint one law assistant and the circuit judges to appoint one additional bailiff; to regulate the duties and compensation of such bailiffs or law assistant; and to provide for the payment therefor from the county funds.

Also:

H. 1185. To provide for the appointment of an investigator for the district attorney's office for the Eleventh Judicial Circuit; to prescribe his authority, powers and compensation; and to provide that the cost to implement the provisions hereof be paid from the funds of the county governing body comprising the said circuit.

Also:

H. 1186. To provide an additional expense allowance for members of the jury commission in all counties having a population of not less than

16,000 nor more than 16,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 1187. Relating to any county having a population of not less than 16,000 nor more than 16,250 according to the 1970 or any subsequent federal decennial census; authorizing and providing for an expense allowance for the sheriff.

Also:

H. 1188. Relating to any county having a population of not less than 34,100 nor more than 34,900 inhabitants according to the 1970 or any subsequent federal decennial census; providing for a legal secretary to the circuit judge in any such county to be paid from the county treasury; providing for reimbursement to the circuit judge for salaries paid after September 1, 1976; providing for the purchase of furniture and equipment and prescribing the time during which this act shall be operative.

Also:

H. 1189. Relating to any county having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal census; to provide for a secretary to the circuit judge in any such county to be paid from the county treasury; and to prescribe the time during which this act shall be operative.

Also:

H. 1193. To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations.

Also:

H. 1200. Relating to Chilton County; to provide that the county engineer need not be a resident of Chilton County.

Also:

H. 1206. To provide further for the costs and charges in criminal cases; and to provide for a juvenile probation fund to finance a juvenile probation office in all counties having populations of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 1228. To de-annex a certain piece of land from within the corporate limits of Gulf Shores, Baldwin County, Alabama.

Also:

H. 1233. To authorize and provide for a referendum in certain counties classified on a population basis to determine the sentiment of the voters relative to whether the chairman of the county commission shall be elected or the judge of probate shall be ex officio a member and the chairman of the commission; and to provide for filling the chairmanship of the governing body in the manner favored by the voters of the county at such referendum.

Also:

H. 1240. Relating to all counties having populations of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census, regulating the compensation of election officials in such counties and providing for the method of payment thereof.

Also:

H. 1257. Relating to counties having a population of not less than 23,800 nor more than 23,925 according to the 1970 or any subsequent federal decennial census; providing that henceforth members of the county commission shall receive a monthly salary of \$600 and a monthly expense allowance of \$200.

Also:

H. 2. To amend Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351) so as to permit certain establishments in counties, having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to extend the legal hours for selling table wine.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 670. To amend Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", so as to provide further for the disposition and use of such fees; and to give this act retroactive effect.

Also:

H. 671. To amend the title and Section 2 of Act No. 103, H. 16, 1975 Fourth Special Session (Acts of 1975, p. 2784) entitled "An Act Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation," so as to delete the circuit clerk from the provisions of said Act.

Also:

H. 683. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1975, payable out of the funds of the county treasury.

Also:

H. 707. Relating to Chambers County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Also:

H. 96. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Also:

H. 109. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Also:

H. 125. To further amend Section 2 of Act No. 1856, H. 2614, Regular Session 1971 (Acts 1971, p. 3012), as amended, relating to the boards of registrars in any county, having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census, so as to further regulate the compensation of its members; to give this act retroactive effect; and to repeal specifically Act No. 908, Regular Session 1975.

Also:

H. 159. Naming the football field at Satsuma High School in Mobile county the "Ben S. Copeland Field".

Also:

H. 441. To repeal Act No. 331, H. 808, as amended, Regular Session 1965 (Acts 1965, p. 460), relating to the expense allowance of coroners in all counties having populations of not less than 52,500 nor more than 54,000.

Also:

H. 446. Relating to Sumter County; providing for an increase in the

compensation of the members of the board of equalization, and to provide for the method of payment of said compensation by the county governing body.

Also:

H. 874. To amend the title and Section 1 of Act No. 212, H. 576, 1959 Regular Session (Acts of 1959, p. 751), entitled "An Act To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof," so as to increase the coroner's salary and provides an expense allowance.

Also:

H. 880. Relating to counties with populations of not less than 25,150 nor more than 26,500; to provide an additional monthly expense allowance for court reporters of county courts of Law and Equity in such counties.

Also:

H. 875. To increase the compensation of the Circuit Judges of the Thirty-Third Judicial Circuit who reside in Dale County by fixing a supplemental salary and repealing conflicting laws.

Also:

H. 899. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide further for the compensation and travel allowance of the chairman and members of the county commission.

Also:

H. 901. Relating to DeKalb County; to provide that a two dollar license good for one day shall be required for hunting on a licensed game preserve within the county where only exotic or non-native game is being hunted, said license to be in lieu of any other hunting license; to provide that the proceeds from such license shall be deposited to the State Game and Fish Fund.

Also:

H. 907. Relating to Hale County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Also:

H. 603. Relating to any counties having a population of not less than 57,000 nor more than 61,000; creating a citizen's study committee to determine whether the construction and maintenance of county roads and bridges in such counties should remain under the supervision and control of the State Highway Department or should revert back under the supervision and control of the county governing body and providing that the provisions of this act shall be retroactive.

Also:

H. 604. To amend Section 11 of Act No. 2452, H. 2798 of the 1971 Regular Session (Acts 1971, Vol V, p. 3917), as amended, entitled "An Act

To provide courts in each county of the state having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census and vesting each with jurisdiction formerly exercised by justices of the peace; providing for additional powers of said courts; providing for its officers, and their appointment; elections; providing for the term of office of the judge, his powers, duties, compensation, and for costs and fees in such court; providing for the transfer of all cases pending in justice of the peace court of said court hereby established; providing for appeal from said court; providing for procedure, practice and pleading in said court; to provide for the approval of bonds in such matters pending before this court," so as to provide that all office space and supplies, equipment, forms, stationery, stamps, and utilities shall be furnished by the county governing body; to provide that the provisions of this act shall be retroactive to January 1, 1975.

Also:

H. 634. Relating to Russell County; to provide for the placing of the mailing addresses of the grantors and grantees on all conveyances of real property.

Also:

H. 114. To propose an Amendment to the Constitution of Alabama to authorize and provide for the establishment in Tuscaloosa County, Alabama, of districts for fighting fires or preventing fires, or districts for the collection and disposal of garbage and trash, or districts for both of the above purposes; and to authorize and provide for the levying and collecting of a service charge from the persons and property to whom and to which such services are provided; and to authorize the Legislature to provide for the issuance of bonds, to pay the cost of establishing and maintaining such fire fighting and fire prevention systems and garbage and trash collection and disposal systems, payable only out of the proceeds of charges for the said services.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 466. Relating to counties with populations of not less than 53,000 nor more than 55,000; to authorize such counties to use school bond money to purchase certain materials for renovation and improvement of buildings without regard to the act upon which Code of Alabama Re-compiled 1958, Title 50, Chapter 1 is based.

Also:

H. 503. Relating to Chambers County; providing total compensation for members of the jury commission and for the secretary of the jury commission.

Also:

H. 597. Relating to Walker County; to require all new county roads to be built to state specifications.

Also:

H. 598. To amend Sections 5 and 6 of Act No. 200, H. 120, 1969 Special Session (Acts of 1969, p. 264), entitled "To provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws;" so as to increase membership of the board and increase the board members' pay.

Also:

H. 719. To provide for supplementing the retirement compensation paid to retired circuit judges in judicial circuits composed of one county and having not less than seven nor more than sixteen circuit judges and to provide for a contribution by such judges toward the cost thereof.

Also:

H. 122. Relating to all counties having a population of 600,000 or more according to the most recent federal decennial census; authorizing the governing body in such counties to provide for the microfilming or photographic reproductions of all records, books, papers or other writings or documents required by law to be maintained or in the custody of such tax collector; providing that such microfilmed or photographed records or documents shall have the same force and effect at law as the original documents; providing for the admissibility into evidence of such records or documents; authorizing such tax collectors to furnish such copies to the public, certifying to the authenticity and correctness of same, and to charge for costs therefor; providing for the disposition of the original records or documents after microfilm or photographic reproductions have been made; authorizing the cost for implementing the provisions hereof be paid from the general fund of the county; and repealing all laws conflicting with this act.

Also:

H. 527. To further amend Section 19 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376 et seq.) as heretofore amended, which relates to the Civil Service System in counties having a population of 400,000 or more inhabitants, so as to provide for the manner of accruing vacation allowance and sick leave and the portion thereof for which payment may be given upon retirement or termination of employment.

Also:

H. 294. Relating to Dallas County; to provide further for the conduct of elections in Dallas County wherein the use of voting machines

has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Also:

H. 309. Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to provide for the repayment of accumulated contributions to any retirement or pension plan for county employees by any employee who is re-employed by any such county under certain conditions.

Also:

H. 467. To provide for supplementing the salary or compensation paid to Circuit Judges in Judicial Circuits having two Circuit Judges, and composed of one County, having not less than 38,100 population and not more than 40,500 population according to the 1970 or any subsequent Federal Decennial Census.

Also:

H. 579. Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Also:

H. 786. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Also:

H. 787. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Also:

H. 949. To amend Section 1 of Act No. 818, H. 1851, 1975 Regular Session (Acts of 1975, p. 1644) entitled "An Act Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees," so as to provide that all of said fee shall go to the county sheriff's fund.

Also:

H. 1019. Relating to Butler County; providing that any person in Butler County qualifying for the exemption of ad valorem taxation pursuant to Act No. 1000, H. 388 of the 1973 Regular Session (Acts 1973, Vol. III, p. 1532), because of disability or upon reaching sixty-five years of age or older shall be required to make the declaration of exemption one time; prescribing the manner of making such declaration, and penalties for violations of the provisions of the Act.

Also:

H. 1028. Relating to Coffee County; providing that the sheriff may send notice of jury summons by registered mail.

Also:

H. 1044. Relating to Conecuh County; providing for a monthly expense allowance for the members of the county governing body.

Also:

H. 435. Proposing an amendment to the Constitution of Alabama which is approved by the electors of Clay County would authorize the compensation of public officers of Clay County.

Also:

H. 591. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 185

The Senate proceeded to further consideration of the Bill, H. B. 185. The question was on the amendment offered by Mr. Roberts.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 537. To provide for the compensation of certain circuit judges in

this state; to provide for a certain county expense allowance in lieu of present expense allowances for such judges.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Baker, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 537, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR SENATE BILL 537

SYNOPSIS: This bill establishes the salary supplement for the judges of the 38th and 9th judicial circuit at the amount of 30% of their state salaries.

A BILL TO BE ENTITLED AN ACT

To provide for the compensation of certain circuit judges in this state; to provide for a certain county salary supplement in lieu of present expense allowances for such judges.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of all county expense allowances and salary supplements now provided by law for judges of the thirty-eighth and ninth judicial circuits, such judges shall receive a salary supplement from the county or counties in which the circuit sits equal to thirty percent of the total compensation of such judges provided by the State. Such salary supplement shall be paid in equal monthly installments out of the county treasury. Where there are two or more counties in said circuit, the salary supplement shall be paid on a pro-rata basis by the counties based upon the ad valorem tax assessments of said counties within the circuit.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 3. All previous expense allowances and salary supplements pertaining to the 38th and 9th Judicial Circuits are hereby repealed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 344. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, the tax collector, and the circuit clerk of Jackson County on a salary basis of compensation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Baker, the Senate non-concurred in the following House amendment to the Bill, S. B. 344, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. 344

On page 1, line 39, strike out the period at the end of the proposed amendment and insert in lieu thereof and as a part of such amendment the following:

; and provided further that no law changing the method or basis of compensation of the judge of probate shall apply to such office until the beginning of the term of office of the judge of probate elected at the general election in 1982.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 556. Relating to Morgan County; to provide for the Morgan County Board of Education, its members, their districts, qualifications, election and removal from office; and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Edwards, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 556, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 556

Amend S. 556 as follows:

On page 1, line 21, by striking out the words "school attendance areas" and inserting in lieu thereof the words

board of education districts

Also, on page 2, line 9 by striking out the number "11" after the number "7"

Also, on page 2, line 29 by striking out the word "six" and inserting in lieu thereof the word

four

Also, on page 2, line 33, by striking out the word "Five" and inserting in lieu thereof the word

three

Also, on page 2, line 37, by striking out the words "Three and Four" and inserting in lieu thereof the words

One and Five

Also, on page 3, lines 5 through 12, by striking out subsection 4(D) entirely and inserting in lieu thereof the following new subsection:

(D) At the first meeting of the board after the 1976 general election, a majority of the members in office shall appoint one additional member who is a resident of District Two and one additional member who is a resident of District Six. Those appointed shall serve until November of 1978. Their successors, who must also be residents of Districts Two and Six respectively, shall be elected at the general election in 1978 and shall serve full six year terms.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 607. Relating to all counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census; giving the constables or his duly authorized deputies in such counties the exclusive authority to serve all civil subpoenas in the geographical district or areas for which they were respectively, elected or appointed, except for

jury or grand jury service; and vesting in the sheriffs or his deputies the exclusive authority to serve all criminal subpoenas.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 607, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 607

In the title, line 17, and in Section 1, line 26, strike out the words "most recent" and insert in lieu thereof the words:

1970 or any subsequent

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Vacca, Wilson.

—25

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 606. Relating to all counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census; giving constables in all such counties the exclusive power to serve all civil processes in the geographical district or areas for which they were respectively, elected or appointed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 606, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 606

In the title, line 17, and in Section 1, line 23, strike the words "most recent," and insert in lieu thereof the following:

1970 or any subsequent

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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FURTHER CONSIDERATION OF H. B. 185

The Senate proceeded to further consideration of the Bill, H. B. 185. The question was on the amendment offered by Mr. Roberts.

REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 50. TO DESIGNATE COUNTY HIGHWAY 75 IN JACKSON COUNTY THE DORAN'S COVE-RIDLEY ROAD.

On motion of Mr. Baker, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 12. URGING THE MOBILE COUNTY COMMISSION TO RECONSIDER PUTTING A LAND FILL IN THE KUSHLA COMMUNITY OF MOBILE COUNTY.

On motion of Mr. Perry, said Resolution, H. J. R. 12, was re-committed to the Standing Committee on Rules.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 19. URGING CONGRESS AND THE PRESIDENT NOT TO RELINQUISH THE PANAMA CANAL.

On motion of Mr. Littleton, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 98. NAMING THE PROPOSED STATE BRIDGE FROM ISLAND ROAD TO U. S. HIGHWAY 90, IN MOBILE COUNTY, THE W. H. HOLCOMBE, JR., BRIDGE.

On motion of Mr. Perloff, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 287. CREATING A WASHINGTON COUNTY GOVERNMENTAL STUDY COMMISSION TO STUDY ALL FACETS OF COUNTY GOVERNMENT AND TO MAKE RECOMMENDATIONS TO THE WASHINGTON LEGISLATIVE DELEGATION.

On motion of Mr. Owen, said Resolution was then concurred in and adopted by the Senate.

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 339. To create a Joint Interim Committee to study the Capital Outlay Program for state junior college and vocational technical colleges.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 339, to-wit:

COMMITTEE SUBSTITUTE FOR H. J. R. 339

To create a Joint Interim Committee to study the Capital Outlay Program for state junior college and vocational technical colleges.

WHEREAS, there is a growing need to put controls and restrictions on the future construction of buildings on college and university campuses and other institutions of higher learning;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses concurring, that a joint interim committee be created to study the capital outlay needs of higher education and specifically for the two year institutions in Alabama.

The membership of the Committee shall consist of three House members appointed by the Speaker of the House and three Senate members appointed by the President of the Senate. The chairman of the committee shall set the schedule and program for the committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee. The Chairman and Vice Chairman of the Committee shall be elected at the organizational meeting of said Committee. The total expenditure of the committee shall not exceed three thousand dollars per year, inclusive of per diem legislative pay and travel expenses; provided, that no member shall be paid for any day that he does not meet. Such pay and expenses shall be paid out of any available funds appropriated to the use of the Legislature. The committee shall report its findings to the Legislature not later than the 10th Legislative day of the next regular session of the Legislature, at which time the committee shall be dissolved.

On motion of Mr. Baker, said Resolution, H. J. R. 339, and pending substitute, was re-referred to the Standing Committee on Finance and Taxation, under the provisions of Senate Rule 76 (B).

FURTHER CONSIDERATION OF H. B. 185

The Senate proceeded to further consideration of the Bill, H. B. 185. The question was on the amendment offered by Mr. Roberts.

On motion of Mr. Noonan, further consideration of the Bill, H. B. 185, and pending amendment, was postponed until the Thirtieth Legislative Day as Unfinished Business.

BILLS ON THIRD READING RESUMED

The Bill:

H. 912. To require that funds appropriated for instructional supplies and materials in Act 129, 1975 Fourth Special Session be released to school systems which collected fees prior to the date of enactment of Act 129 on November 18, 1975; and that after the date of enactment, if fees were collected, a system's allocation be reduced only by the amount of the fees collected.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—28

Nays:

—0

The Bill:

H. 158. To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow presiding circuit judges to assign cases to district court judges.

was taken up.

Mr. Shelby offered the following substitute for the Bill, H. B. 158, to-wit:

SENATE SUBSTITUTE FOR H. B. 158

A BILL
TO BE ENTITLED
AN ACT

To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow certain circuit court judges to assign cases to district court judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, is hereby amended to read as follows:

"6-118. In those districts circuits having more than one district court judge the presiding circuit court judge may designate from time to time a district court judge who shall have the same powers and authority as a circuit judge to handle all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-support Act and all other domestic and marital matters over which the circuit court has jurisdiction as well as all laws pertaining to juvenile and non-support cases arising in the county under Title 34 of the 1940 Code of Alabama and shall serve as an ex-officio circuit judge when handling such cases, provided, however, that in those counties having one district judge, and in which a circuit judge is currently empowered to handle the aforementioned classes of cases, as well as juvenile cases, such power and authority shall not transfer to the district judge without the express authorization of the presiding circuit judge, regardless of any provisions contained in this Act or any other laws to the contrary."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert.

— 24

Nays:

— 0

And said Bill, H. B. 158, as thus amended by the substitute, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

— 29

Nays:

— 0

The Bill:

H. 764. To make it unlawful for any person who presents or prepares any budget request for the legislature or any member of the legislature, any request that such person knows is false and was intentionally falsified and provides for penalties, and prohibits the purposeful spending of appropriations to any entity of state government, in order to liquidate a surplus.

was taken up.

Mr. Owen offered the following substitute for the Bill, H. B. 764, to-wit:

SUBSTITUTE FOR H. B. 764

A BILL
TO BE ENTITLED
AN ACT

To make it unlawful for any person in State government, elected or appointed, to present or prepare any false budget or fiscal information for the legislature knowing the same to be false, and providing for penalties for the violation of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person in state government, including elected or appointed officials, who prepares false budget or fiscal information to be presented to any legislative committee, or who presents false budget or fiscal information to any legislative committee, knowing such budget or fiscal information to be false, shall be guilty of a misdemeanor and, on conviction, shall be imprisoned in the county jail for not more than one year, and may also be fined not more than \$1,000.00.

Section 2. Any person convicted under this Act shall, upon conviction, forfeit and relinquish any position with the State of Alabama, elected or appointed, and further, shall be prohibited from holding any position with the State of Alabama for a period of ten years from the date of his conviction. In the event of a second conviction under this Act, such person shall be forever ineligible to hold any position with the State of Alabama.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall supercede any act or provisions of law in conflict herewith.

Section 5. This Act shall be effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Mr. St. John offered the following amendment to the substitute, for the Bill, H. B. 764, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 764

Amend House Bill No. 764 (Substitute) Page 1 & 2, by striking out the first sentence of Section 2 beginning on line 33 of page 1 and ending on line 11 of page 2.

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 764, was then adopted by the Senate.

Yeas 27; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore,

Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—27

Nay: Mr. Wilson.

—1

And said Bill, H. B. 764, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays: Messrs. St. John, Wilson.

—2

The Bill:

H. 105. To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and prescribing rates and exclusions therefrom, providing for the issuance of a utility license and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax; deleting the words "other than by a municipality or other municipal entity organized by a municipality" from the definition of "Utility Services" in Section 1, and by adding a new Section (h) to Section 5.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—26

Nays:

—0

The Bill:

H. 1020. To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) so as to increase the expense allowance of members of the State Board of Education from \$100 to \$200 per month.

Was read a third time at length and passed.

Yeas 28; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—28

Nay: Mr. Jones.

—1

The Bill:

H. 117. To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax to be distributed to each county in an amount based on the tax collected from the coal and lignite severing operations within said county; (2) a portion of said tax to be distributed to those municipalities within the city limits or the police jurisdictions of which, as such city limits or police jurisdictions existed as of July 1, 1976, coal is being severed; to establish procedures for the distribution of such funds by the Department of Revenue; to require that funds distributed be utilized for the building, rebuilding, maintenance, upgrading and improvement of county roads maintained by or on behalf of recipient counties over which coal or lignite is transported and for the maintenance of roads and streets within such municipalities and police jurisdictions; to authorize the Department of Revenue or its authorized agent to inspect the relevant books of each person severing coal or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit counties or municipalities receiving tax revenue under this Act from passing or enforcing width, height, length or weight laws pertaining to motor vehicles that are inconsistent with or contrary to state statutory provisions; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 117, to-wit:

COMMITTEE AMENDMENT TO H. B. 117

Amend House Bill No. 117 as amended Page 3 Line 17, by striking out "twenty cents" (\$0.20)" after the words "equal to" and inserting in lieu thereof: "fifteen cents (15)"

MOTION TO ADJOURN LOST

At 9:20 P.M., Mr. Perloff moved that the Senate adjourn until Monday, August 16, 1976, at 8 o'clock A.M.

Mr. St. John offered a substitute motion that the Senate adjourn until 9 o'clock A.M., which motion was lost.

Yeas 8; Nays 20.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Perloff, Powell, Shelby.

—8

Nays:

Messrs. Edwards, Flippo, Gilmore, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—20

The question recurred on the Perloff motion that the Senate adjourn until Monday, August 16, 1976, at 8 o'clock A.M., which motion was lost.

FURTHER CONSIDERATION OF H. B. 117

The Senate proceeded to further consideration of the Bill, H. B. 117. The question was on the amendment offered by the Standing Committee on Finance and Taxation.

ADJOURNMENT

At 9:35 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, H. B.'s 185 and 117, the Senate adjourned until Monday, August 16, 1976, at 7 o'clock A.M.

THIRTIETH LEGISLATIVE DAY

MONDAY, AUGUST 16, 1976

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Honorable Wendell Mitchell, Twenty-eighth Senatorial District.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

JOURNAL

On motion of Mr. Baker, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Baker, leave of absence was granted Mr. McDonald (S) for today.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 138. RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, immediately upon the adoption of this resolution taking precedence over all bills on the regular calendar, including items of unfinished business, for the 30th Legislative day between the hours of 7:00 a.m. and 9:00 a.m. only.

Bill No.	Page No.	Description
H. 336	4	Names classroom
H. 896	9	Fort Morgan
H. 60	13	Names building
H. 423	17	Names building
H. 424	17	Names building
H. 425	17	Names building
H. 505	17	Names highway
H. 580	18	Names building
H. 692	18	Names armory
H. 892	19	Names building
H. 893	19	Names building
H. 894	20	Names building
H. 1039	20	Names building
H. 318	32	Names building
H. 552	32	Buttahatchee River Watershed
H. 740	41	Helicopter pilots
H. 526	45	Senior citizens
H. 300	48	Names building
H. 84	52	Names technical school
H. 694	53	Ala. Institute for Deaf and Blind
H. 710	24	Local Courts—employees
H. 526	45	Local Governments
H. 14	38	Water systems

H. 574	33	Historical Chattahoochee Comm.
H. 62	44	Volunteer Firemen
H. 958	43	Relief Bill—Washington County
H. 774	42	Mun. Government employees

On motion of Mr. Littleton, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 336. To provide that the library-classroom complex at the Alabama State University be named the Levi Watkins Learning Center.

And said Bill, H. B. 336, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 896. To provide for the transfer of the Fort Morgan Property owned by the Fort Morgan Historical Commission and the Alabama Department of Conservation and Natural Resources containing 530 acres more or less and located on the western tip of Fort Morgan peninsula in Baldwin County, Alabama, to the Alabama Historical Commission; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780).

was taken up.

Mr. Owen offered the following substitute for the Bill, H. B. 896, to-wit:

SUBSTITUTE FOR H. 896

A BILL TO BE ENTITLED AN ACT

To provide for the transfer of certain parts of the Fort Morgan Military Reservation to the Alabama Historical Commission; to reaffirm the rights of the department of conservation in other parts of such reservation; to provide for the continued operation of Fort Morgan as a recreational park; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780).

Be It Enacted by the Legislature of Alabama:

Section 1. All of that part of the Fort Morgan Military Reservation lying within the seawall, which includes that part of the Fort Morgan Military Reservation conveyed from the United States of America to the State of Alabama by Quitclaim Deed executed May 26, 1927, and on which Fort Morgan itself is located, and also a certain part of the Fort Morgan Military Reservation conveyed by the United States of America to the State of Alabama by deed executed December 16, 1946, including all that area South of the outer South face of the East-West sea wall and West of the North-South sea wall, is hereby transferred to the Alabama Historical Commission. All other property, both real and personal, including structures and objects located on either of said tracts of land, owned by the Fort Morgan Historical Commission, and all of its powers, authority and jurisdiction over said property, are also hereby transferred to the Alabama Historical Commission; and any right, title or interest which the state department of conservation has in the above described property is also hereby transferred to the Alabama Historical Commission. Such Commission shall have full authority to develop, renovate, restore, preserve, maintain, operate, exhibit and publicize the above described properties in accordance with the powers and responsibilities of said Alabama Historical Commission.

Any right, title or interest of the department of conservation in all that part of the Fort Morgan Military Reservation, not hereinabove transferred to the Alabama Historical Commission, shall continue to be held by the state department of conservation; and all such property may, be used as a public park for recreation, such as camping, boating, fishing and any other purposes for which the department of conservation is authorized to maintain and operate a public park. The paved road that runs south at the sea wall shall, however, be open for use by vehicles for ingress and egress to the beach; and the department of conservation shall not prohibit camping on any part of the reservation under their jurisdiction and control.

The attorney general, with the assistance of the director of conservation, shall not later than the effective date of this act cause an appropriate deed or conveyance to be executed in accordance with the provisions of this act.

Section 2. All unencumbered and unexpended funds appropriated to the Fort Morgan Historical Commission shall be transferred to the Alabama Historical Commission.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of the law which conflict with this act are hereby repealed. Act 344, H. 301, Regular Session 1955 (Acts 1955, p. 780), and all amendatory acts thereto, are hereby specifically repealed.

Section 5. This act shall become effective January 15, 1977.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 896, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 60. To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman, Sr. Building and the Occupation Education Building at Gadsden State Junior College be named the Bevill Occupational Education Building.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

H. 423. To name the Nursing Education Building at Jefferson State Junior College for Dr. George L. Layton.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: —0

The Bill:

H. 424. To name the Science Education Center at Jefferson State Junior College for Mrs. Ruby K. Carson.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

—25

Nays: —0

The Bill:

H. 425. To name the Vocational Technical Building at Jefferson State Junior College for Dr. Harold C. Martin.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays: —0

The Bill:

H. 505. To name a portion of Alabama Highway 13 the "Albert Stovall Highway" and to designate the State Highway Department to cause appropriate signs and markers to be erected along said highway.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: —0

The Bill:

H. 580. To name a new building which is presently under construction at Douglas MacArthur State Technical College for Benny Frank Foreman.

was taken up.

Mr. Littleton offered the following amendment to the Bill, H. B. 580, to-wit:

AMENDMENT TO H. B. 580

Amend H. B. 580 wherever the name Benny Frank Foreman appears in the bill and in the title by deleting therefrom the name Benny Frank Foreman and adding in lieu therefor the name Bennie Frank Foreman.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 580, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 692. To name the national guard armory in Lineville, Alabama, in honor of James C. Reeves and to direct the Alabama National Guard to cause appropriate signs and markers to be erected and maintained in designating the said national guard armory as the "James C. Reeves National Guard Armory".

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 892. To name the Beginners Cottage at the Alabama Institute for the Deaf and Blind the "Catherine Riser Hall."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 893. To name the technical facility of the Adult Blind Department at the Alabama Institute for the Deaf and Blind the "E. H. Gentry Technical Facility."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 894. To name the library building at the Alabama Institute for the Deaf and Blind the "Harry L. Baynes Library."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1039. To name the music and speech building on the campus of The University of Alabama Strode Hall in honor of Hudson Strode.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 318. To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 740. To establish the Helicopter Pilots International, Inc., a non-profit association of licensed helicopter pilots, as an independent state agency under the overall supervision of the state superintendent of education for the purpose of offering instruction and carrying out an educational program for the training of helicopter pilots; to prescribe its powers, functions and duties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 526. To authorize the counties and municipalities of this state to plan, establish, and furnish recreational, social, and cultural facilities, services and programs, including transportation services and programs, especially for senior citizens within the state, subject to uniform non-

discriminatory eligibility requirements; to authorize such subdivisions to agree to and abide by the conditions of any grant from any agency of the state or of the United States Government pertaining to such facilities, services, or programs; to authorize multijurisdictional agreements concerning such services; and to authorize such services by contract with public or private agencies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 300. To name a certain facility at Snead State Junior College.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 552. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

was taken up.

Mr. Fine offered the following amendment to the Bill, H. B. 552, to-wit:

AMENDMENT TO H. B. 552

Amend H. 552, Section 1, Page 2, Line 30 by adding the following sentence:

“Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or interest therein devoted to public use.”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 552, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 84. To name the Tuscaloosa State Technical College the C. A. Fredd State Technical College.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 694. To amend Section 520, Title 52, Code of Alabama 1940, as amended, relating to the appointment of the board of trustees of the Alabama Institute for Deaf and Blind, so as to provide further for the appointment of board members.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 710. To amend Section 7-101 of Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384), which section relates to county personnel serving district and circuit courts, so as to prohibit such present full-time personnel's employment from being discontinued solely because of the provisions of Act No. 1205 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384) and to exempt such persons who were so employed prior to the effective date of said Act from being prosecuted under the provisions of Act No. 588, S. 52 of the 1963 Regular Session (Acts 1963, Vol. 2, p. 1285).

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 14. To amend further Section 168, Title 10, Code of Alabama 1940, relating to single tax or cooperative associations or corporations so as to provide exemptions to such associations or corporations which are organized for the purpose of operating waterworks for unincorporated areas from any state or county license tax on gross receipts.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Fine, Flipppo, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 62. To exempt from civil liability members of organized volunteer fire departments who make efforts to preserve and protect any building and certain other property from fire.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Little,

Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 958. Appropriating \$500 from the Alabama forestry commission fund for the relief of McKinley Chestang.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 574. To amend Sections 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) entitled "An Act Establishing the Historic Chattahoochee Commission as a state agency to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; prescribing the authority, powers, duties and functions of the Commission and its members, officers and committees; and making an appropriation therefor", so as to change the number and manner of appointment of members of the commission and to change the location of the committee headquarters; and to make the chairman of the restructured Historic Chattahoochee Commission an ex officio policy-making member of the Alabama Historical Commission.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 574, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 574

A BILL TO BE ENTITLED AN ACT

To amend Section 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) entitled "An Act Establishing the Historic Chattahoochee Commission as a state agency to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; prescribing the authority, powers, duties and functions of the commission and its members, officers and committees; and making an appropriation therefor", so as to change the number and manner of appointment of members of the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) is hereby amended to read as follows:

“Section 2. The commission created herein shall consist of eight fourteen members who shall be appointed by the Governor historical commission or organization or similar historical body in each county who shall be bona fide residents and qualified voters of this state, of whom at least two shall be residents of Barbour County, one two shall be a resident residents of Russell County, one two shall be a resident residents of Henry County, and four shall be members at large from the above or any other counties in this state. Said members at large shall be selected from a list of eight persons submitted by the Eufaula Heritage Association. two shall be residents of Chambers County, two shall be residents of Lee County, two shall be residents of Houston County, and two shall be residents of Dale County. If there are two historical organizations in any of said counties, then one commission member shall be selected from each organization; if there are more than two organizations in any such county, then the organizations shall meet and decide on the designation of members which will represent their respective county. In addition, the Governor shall appoint four non voting advisory members who shall be residents of Georgia counties which border Alabama and touch the Chattahoochee River Commission at its discretion may appoint as many advisory members as it deems necessary from any Georgia or Alabama county which is located in the Chattahoochee Valley area. Voting members from Georgia counties can be placed on the committee by the commission as herein provided. Any Georgia county must contribute an amount equal to one-eleventh (1/11) of that amount which was appropriated from the State of Alabama treasury for the preceeding Alabama fiscal year to be eligible for consideration by the commission for a voting membership. The commission may consider contributions from the State of Georgia or any political subdivision thereof, individuals, organizations, associations or any other source in determining the said one-eleventh contribution. “The terms of the members and advisory members of the first Commission shall be designated by the Governor as four years for one half of the members and advisory members and eight years for the remaining members and advisory members. After the expiration of the terms of the initial members, all members and advisory members shall be appointed for terms of eight years each. Members of the commission shall serve for terms of office as follows: of the fourteen Alabama voting members, one from each of said counties shall serve for two years and the remaining member of each such county shall serve for four years. The member appointed by the older organization of each county shall serve for the four-year term for the initial term established by this amendatory act. Upon the expiration of the original terms of office of Alabama members, all successor Alabama voting members shall be appointed for four-year terms of office, with seven vacancies in the Alabama voting membership occurring every two years. All Georgia voting members shall serve for terms of four years, commencing upon their various appointments by the commission.

“All members and advisory members shall serve until their successors are appointed and qualified, but any Alabama member may be removed by the Governor Attorney General for sufficient cause, and any Georgia member may be removed by the commission. Vacancies shall be filled by the members of the commission. The first chairman of the reorganized commission shall be elected by the board of directors of the commission

from among its voting membership. Annually thereafter, each succeeding chairman shall be selected by the members of the commission. Members of the commission shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of the commission.

"No Georgia county shall have more than one voting member per county."

"Section 3. The headquarters of the commission shall be at Eufaula, Alabama selected by the Commission and shall be centrally located in an Alabama region of the Chattahoochee Valley area. Such headquarters shall be consistent with the legitimate need of the commission. The commission shall hold an annual meeting at Eufaula, Alabama, the commission headquarters and one-half of the then members of the commission shall constitute a quorum for the transaction of business. Additional meetings may be held at such times and places within the State of Alabama as may be considered necessary, desirable or convenient, upon call of the chairman, or, in the case of his absence or incapacity, of the vice chairman, or, on call of any three members of the commission. However, by 4/5 vote of the commission, such meetings may be held outside of the state of Alabama. The commission shall determine and establish its own organization and procedure in accordance with the provisions of this act and shall have an official seal. The commission shall elect its chairman, its vice chairman, its secretary and its treasury, and such officers shall hold office for a period of one year or until a successor is elected. Neither the secretary nor the treasurer need be members of the commission. The commission may require that the treasurer thereof be bonded in an amount to be determined by the commission."

Section 2. The provisions of this act shall become effective beginning fiscal year 1977.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flipppo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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Mr. Little offered the following amendment to the Bill, H. B. 574, as amended by the substitute, to-wit:

SENATE AMENDMENT TO H. B. 574, AS AMENDED

In Section 1, page 4, on line 14 immediately following the word "commission" add the following:

"The chairman of the restructured Historic Chattahoochee Commission shall serve as an ex officio policy making member of the Alabama Historical Commission."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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And said Bill, H. B. 574, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1108. Relating to Marshall County; providing that certain county prisoners and state prisoners who are housed in county or city jails of Marshall County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 747. To provide, in cities having a population of 300,000 or more inhabitants according to the last or any subsequent federal decennial census, for the licensing and regulation of retail establishments serving food and beverages as their principal source of income, to operate and maintain coin operated pool or billiard tables, and to provide for the revocation of any such license.

Was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays: Messrs. Baker, Edwards.

—2

The Bill:

H. 998. To amend Section 2 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955 entitled "An Act To provide a separate retirement and relief system for certain of the presently active employees of the city of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, as reenacted and amended: to include in said separate system dependents of said presently active employees: and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents:"

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1168. To provide for the relief of Charles John Salors by granting to him the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1071. Providing for purging the lists of registered voters in Conecuh County; requiring and prescribing the procedure for purging the lists of registered voters; placing certain duties on the board of registrars, election officials and the county governing body relative to the purging of registered voter lists.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

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Nays:

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The Bill:

H. 1266. Relating to Escambia County; providing salaries for the chairman and associate members of the Escambia County Commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1267. Relating to Escambia County; to abolish the jury commission of said county and create in lieu thereof a jury board, providing for the appointment of the members and clerks and assistants thereof, and for the qualifications, duties, compensation, and tenure.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1270. To alter, rearrange and extend the boundary lines and corporate limits of the City of St. Florian in Lauderdale County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Flipppo, Gilmore, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1271. Relating to Lauderdale County; amending Section 1 of Act No. 462, H. 1170 of the 1975 Regular Session (Acts 1975, Vol. II, p. 1088) so as to set the salary of the clerk of the jury commission who inadvertently was omitted from said Act; making such salary retroactive to March 1, 1975.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1273. To amend Section 2 of Act No. 74, H. 39 of the Special Session of 1967 (Acts 1967, p. 105), as amended, entitled "An Act To apply only in Dale County; creating a board of jury supervisors in lieu of the jury commission; providing for the transfer of the power, authority, duties and jurisdiction of the jury commission to said board, and abolishing the commission; providing for the organization of the board and the times of its meetings; providing for the appointment of the members and a clerk for said board and prescribing their terms, duties and compensation," so as to decrease the membership of this board.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell,

Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

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Nays:

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The Bill:

H. 1274. Relating to counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide the county commission with authority to employ or contract for appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1287. To amend Section 1 of Act No. 191, H. 525, Regular Session of 1971, (Acts 1971, Vol. I, p. 486); providing additional expense allowance for each circuit judge of all judicial circuits composed of three (3) counties with two (2) circuit judges having a total population of not less than 60,000 and not more than 70,000 according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1294. To provide an annual expense allowance for the coroner and deputy coroner of Escambia County to be funded from the general fund of Escambia County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1293. To amend Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) so as to delete the maximum salary requirement of county superintendents of education in certain counties classified on a population basis.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

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Nays:

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The Bill:

H. 1281. Relating to all counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize the county commission to employ two clerks to assist the tax assessor, two clerks to assist the tax collector, one clerk to assist the probate judge and such additional part-time help as the county commission deems necessary, and to provide salaries for said employees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1282. To provide that the county governing body is authorized and empowered to pay the employer's share of social security or F. I. C. A. payments on elected officials in all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1283. To amend further Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), which act, as amended, provides for a pistol permit fee and the distribution and use of the proceeds of such fee in counties having populations of not less than 16,245 nor more than 16,300 inhabitants according to the last or any subsequent federal decennial census, so as to provide further for the use of the proceeds of such fee, and to provide for retroactive effect to October 1, 1975.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1249. Relating to Marshall County, Alabama: levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Marshall County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; providing that this Act be severable; and providing for the effective date hereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1250. Relating to Marshall County; providing for clerk-hire allowances for certain county offices.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1251. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; setting the salary of the probate judge, sheriff, tax assessor and tax collector.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1253. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; to authorize and provide for the payment out of the county treasury of pension or retirement allowances, under certain circumstances, to judges of the county court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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Abstaining: Mr. Baker.

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The Bill:

H. 1254. Relating to Dale County; to amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for the sale of such beverages, limiting the prohibition of sale outside certain municipalities to sale for on-premises consumption.

Was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays: Messrs. Baker, Edwards.

—2

The Bill:

H. 1255. To authorize an expense allowance for the Chairman and associate members of the Dale County governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1256. To provide for the salary for the chief clerk of the probate court of all counties having populations of not less than 15,650 nor more than 16,200 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1289. To provide a uniform allowance for all employees of the sheriff's office in those counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide retroactive effect for said act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1290. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; authorizing the sheriff of any such county to appoint certain additional employees and providing for their compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

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Nays:

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The Bill:

H. 1259. To amend Act No. 519, H. 1172, Regular Session 1975 (Acts 1975, p. 1165), which act grants certain powers to borrow money to boards of education in counties having populations of not less than 90,000 nor more than 100,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the majority consent of the boards of education to secured loan agreements and to provide further for the repayment of loans authorized by said act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen,

Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

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Nays:

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The Bill:

H. 1261. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance from a maximum of \$15,000 per annum to a maximum of \$20,000 per annum; to provide that such allowance shall be paid from any available funds and to provide that the provisions of this act shall be retroactive to October 1, 1973.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1264. Relating to Escambia County; to alter rearrange and extend the boundary lines and corporate limits of the Town of Riverview.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1265. To amend Act No. 575, H. 966, 1953 Regular Session (Acts 1953, p. 818) which act levies a tax on malt or brewed beverages sold in Escambia County; to provide that the municipality of Riverview shall receive a share of the proceeds of such tax.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1220. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation and expense allowance of the tax assessor and the tax collector in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

H. 1221. Repealing Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

Nays:

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The Bill:

H. 1222. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the chairman of the county governing body; providing for the compensation of associate commissioners of the county governing body; regulating the travel allowance for out of county travel for all members of the county governing body; and setting the times of meetings for the commissioners.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

H. 1223. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; relieving the board of registrars in such counties from the duty to meet on any official national, state or county holiday.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

Nays:

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The Bill:

H. 1225. Relating to Cherokee County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork of Little River, and West Fork of Little River in Cherokee County; to provide for the membership and organization of said Commission, to prescribe the powers, duties, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to Cherokee County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

Nays:

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The Bill:

H. 1229. Relating to all counties having populations of not less than 150,000 nor greater than 180,000, according to the 1970 or any subsequent federal decennial census; authorizing the clerk of the family court in said counties to destroy certain files and records in all civil cases after a certain period of time and providing for an official record of said files and records; and to provide for a new indexing system in said court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1232. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; providing a salary supplement allowance for the register of the circuit court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1234. To provide for the salary of the judge of probate of all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1235. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for additional expense allowances for certain county officials.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1239. To provide for the appointment of a deputy district attorney for the twenty-ninth judicial circuit of Alabama; to designate him as a state officer; to prescribe his qualifications, powers and duties and to fix and provide for payment of his compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1241. Relating to all counties having populations of not less than 65,000, nor more than 68,000, inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an additional secretarial assistant for the office of district attorney, in addition to the two secretaries now provided by law and provide salary for same, in which such county lies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen,

Pearson, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1242. Relating to Elmore County; setting the minimum monthly salary for each deputy sheriff of Elmore County; and providing that such salaries shall be paid out of the general fund of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Torbert, Vacca, Waldrop.

—25

Nays:

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The Bill:

H. 1243. To alter or rearrange the boundaries of the Town of Coosada, Elmore County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, as well as certain other territory contiguous thereto, in Elmore County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Vacca, Wilson.

—25

Nays:

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The Bill:

H. 1248. Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1136. To apply to every county of the State having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to authorize the governing body of any such county to provide by ordinance for identifying, taking up, storing, and selling any abandoned, stolen, or legally seized and condemned contraband property located in the county; to provide certain minimum requirements for the contents of any such ordinance; to provide certain specified restrictions upon the scope of any such ordinance; to require publication of such ordinance as a prerequisite to its becoming effective; and to provide for severability of the provisions of this Act and for an effective date.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1137. Relating to counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and serving his or her term in the county jail of any such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1151. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1154. Relating to Pickens County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1169. Relating to Butler County; to provide for an additional expense allowance for the members of the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1170. Relating to Butler County, to increase the pay of election officials to \$16.00 per day.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

H. 1171. Relating to Butler County; to provide for an election to determine the sentiment of the electors concerning the use of voting machines for registering or recording and computing the vote at all elections held in such county and to provide that the county governing body of such county shall direct the use of voting machines if the majority of the electors voting in such election vote in favor of the adoption of voting machines.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1174. To amend Act No. 453, H. 1033, Regular Session 1975 Legislature of Alabama, which changed the compensation of each member of the Madison County Board of Education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1180. Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain

misdeemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—25

Nays:

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The Bill:

H. 1183. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1190. Relating to all counties having a population of not less than 45,500 nor more than 52,000 according to the 1970 or any subsequent federal decennial census; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in any such county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1194. To amend further Section 8 of Act No. 970, S. 378, Regular Session 1961 (Acts 1961, p. 1545), which act provides an alternative method of vehicle license registration in counties having a population of 300,000 or more according to the 1970 or any subsequent federal decennial census, so as to increase the mail fee pursuant to such alternative registration.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1196. To authorize and provide for the collection of an additional application or issuance fee to be charged by the License Commissioners, Judges of Probate, Directors of Revenue, or other public officers performing like duties relating to the application or issuance of motor vehicle licenses, motor vehicle license transfers, drivers licenses or permits, business or professional licenses and the transfer of business licenses in all counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, provided however, that the affidavit fee of twenty-five cents presently prescribed by law in said counties shall be collected for affidavits taken or required in the course of the application or issuance of licenses or transfers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1207. To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

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Nays:

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The Bill:

H. 1217. To amend Act No. 526, H. 1234, Regular Session 1975 (Acts 1975, p. 1179), which act establishes a civil service system for law enforcement officers of certain counties based on population, so as to remove from the civil service system thereby created the authority to determine salary or compensation of said officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

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Nays:

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The Bill:

H. 1213. To provide further for the operation of the board of registrars in Morgan County.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1213, to-wit:

COMMITTEE AMENDMENT TO H. B. 1213

Amend House Bill No. 1213 Page 2 Line 10, by inserting Section 7. the provisions of this act shall terminate on May 1, 1977, and this act shall become null and void on said date.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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Mr. Edwards offered the following amendment to the Bill, H. B. 1213, as amended, to-wit:

AMENDMENT TO H. B. 1213, AS AMENDED

Amend House Bill No. 1213 Page 2 Lines 5-6, by striking out the entire Section 5 and renumbering the following sections accordingly.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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And said Bill, H. B. 1213, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1219. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

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Nays:

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The Bill:

H. 1218. To amend Act No. 1088 of the 1975 Regular Session of the Alabama Legislature, an act entitled, "Relating to counties having a population of not less than 90,000, nor more than 100,000 according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same," so as to further provide for the compensation and expenses of the constable of the District Court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

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Nays:

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The Bill:

H. 1120. To alter or rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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The Bill:

H. 1116. To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. St. John, further consideration of the Bill, H. B. 1129, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1115. To provide for purging the lists of registered voters in Elmore County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1111. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Priceville, in Morgan County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1109. Relating to Cullman County; to provide further for the costs and charges in criminal cases in any court of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen,

Pearson, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1102. To provide for the minimum compensation for all Deputy Sheriffs in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1093. Relating to the establishment, operation and funding of a juvenile facility in counties with populations of not less than 75,000 nor more than 90,000 according to the 1970 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 1072. To provide for the establishment of a merit system for Conecuh County, Alabama, and a merit system board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nays:

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CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. St. John, further consideration of the Bill, H. B. 1098, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1059. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an increased expense allowance for members of the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 784. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 835. To authorize the county governing bodies of all counties having populations of not less than 75,000 nor more than 90,000, according to the 1970 or any subsequent federal decennial census, and the governing body of any municipality in any such county to enter into long-term contracts for the disposal of solid waste, garbage, ashes and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision or statutory limitation on debts of the county and the municipality.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1087. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; fixing the fee for issuance of a pistol permit by the sheriff and providing for the collection, distribution and use of such fees.

was taken up.

Mr. Shelby offered the following amendment to the Bill, H. B. 1087, to-wit:

AMENDMENT TO H. B. 1087

In the title, on line 16, and in Section 1, line 23, strike out the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 1087, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 927. To alter and rearrange the boundaries of the town of Clio, Barbour County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1022. To propose and provide for the submission of an amendment to the Constitution of Alabama amending further Amendment XVIII to said Constitution, which pertains to Mobile County and the issuance of bonds and the levy of a special ad valorem tax by said county for certain specified purposes.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1026. To provide that any city which may now or hereafter have a population of not less than 135,000 nor more than 185,000 according to

the 1970 or any subsequent federal decennial census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

Was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 25

Nay: Mr. King.

— 1

The Bill:

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Waldo, in Talladega County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 1054. To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 1055. To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 397. Relating to the compensation of certain officers in counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; amending Section 2 of Act No. 1896, S. 777 of the 1971 Regular Session (Acts 1971, Vol. IV, p. 3086) so as to increase the amount of compensation for board of education members and to limit the number of meetings for which such members shall be entitled to compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 917. Relating to all counties having a population of not less than 115,000 nor greater than 150,000 according to the most recent federal decennial census; to provide for the fire protection of citizens of any such county outside of the limits of any municipality having a fire department.

was taken up.

Mr. Shelby offered the following amendment to the Bill, H. B. 917, to-wit:

AMENDMENT TO H. B. 917

In the title, on line 15, and in Section 1, line 21, strike out the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 917, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 953. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 953, to-wit:

COMMITTEE AMENDMENT TO H. B. 953

Amend House Bill No. 953, Section 1, Line 4, by striking out the word "shall" after the word "judges" and inserting in lieu thereof the word "may."

Further amend House Bill No. 953, Section 1, Line 4, by striking out the word "shall" after the word "clerk" and inserting in lieu thereof the word "may."

Further amend House Bill No. 953 in Section 1, Line 5, by striking out the word "shall" after the words "Such salary" and inserting in lieu thereof the word "may."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 953, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 167. To amend Act No. 651, H. 377, Regular Session 1975, which act provides retirement benefits for elected officials of certain municipalities on a population basis, so as to include certain past services as a basis for such officials to receive benefits under said act.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 167, to-wit:

COMMITTEE AMENDMENT TO H. B. 167

On page 2, line 12, strike the period and the quotes and add the following immediately after the word "monthly":

provided that the amount of such retirement benefit shall not be less than fifty (50%) percent of the compensation of any such elected official on October 5, 1965."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 167, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

RESOLUTION

Mr. Mims offered the following Senate Resolution, to-wit:

S. R. 139. COMMENDING MR. DAVID OZMENT FOR BEING ONE OF THE MOST DIGNIFIED AND GENTLEMANLY LOBBYISTS IN ALABAMA.

WHEREAS, Mr. Ozment always conducts himself as a gentleman in the Agriculture Committee meetings and is helpful in every way; he always brings written reports of his statements for further reference; and

WHEREAS, Mr. Ozment has gone beyond the line of duty in doing nice and generous things for the legislature: last year he brought free eggs to every member, this year he provided chickens for the Legislative Barbeque held at Fort Toulouse and on the night of August 10, he bought fried chicken, rolls, slaw and milk for everybody; and

WHEREAS, Mr. Ozment is greatly respected for his integrity, sound advice, generosity and willingness to be of service; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THAT we wholeheartedly thank Mr. Ozment for his generosity and commend him for the dignified and gentlemanly manner by which he conducts his business with the legislature.

On motion of Mr. Mims, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 428. Relating to cities having populations of not less than 60,000 nor more than 120,000 inhabitants according to the most recent federal decennial census; to provide further for the compensation of the members of the city board of education in such cities.

was taken up.

Mr. Shelby offered the following amendment to the Bill, H. B. 428, to-wit:

AMENDMENT TO H. B. 428

In the title, on line 15, and in Section 1, line 22, strike the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 428, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 743. Applying to cities having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent decennial census, to provide that as to "restaurant" liquor licensees with premises located within said municipalities, the definition of the term "restaurant" as defined by Title 29, Section 1, Code of Alabama, 1940, as amended, for the purpose of licensing by the Alcoholic Beverage Control Board shall include, in addition to premises defined by said Title 29, Section 1, premises heretofore licensed by the Alcoholic Beverage Control Board for use by "club" licensees within said municipalities, irrespective of the fact that said premises does not have one thousand square feet of dining area, and irrespective of the fact that tables and chairs accommodating at least fifty persons are not provided, provided that said premises was so licensed for use by "club" licensees on September 19, 1975, and to provide for an effective date of this act.

Was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays: Messrs. Baker, Edwards.

—2

The Bill:

H. 737. Relating to Shelby County, Alabama; to provide for the total rehabilitation of certain persons, including, but not limited to, mental and emotionally disturbed inmates, both male and female, convicted of any type crime and sentenced to a term of commitment in the county jail of Shelby County; or any inmates incarcerated in the Shelby County Jail.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 1288. To amend Section 1 of Act No. 37, H. 66 Organizational, Special and Regular Sessions 1971 (Acts 1971, p. 4170) as amended which applies in Shelby County, designating the number of employees authorized by the sheriff's department, compensation of such employees, and sheriff and residence requirements of such employees, and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

The Bill:

H. 687. Relating to cities with a population of not less than 55,000 nor more than 70,000, according to the 1970 or any subsequent federal decennial census; to fix the salaries of the mayor and each associate commissioner of the municipal governing body, effective at the beginning of the next term of office.

was taken up.

Mr. Shelby offered the following substitute for the Bill, H. B. 687, to-wit:

SUBSTITUTE FOR H. B. 687

A BILL TO BE ENTITLED AN ACT

Relating to counties having populations of not less than 115,000 nor more than 150,000, according to the 1970 or any subsequent federal decennial census; to fix the salaries of the chairman and associate members of the county governing body of any county to which this act applies and of the mayor and each associate commissioner of the municipal governing body of the largest municipality therein; and to prescribe the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to counties having populations of not less than 115,000 nor more than 150,000 inhabitants, according to the 1970 or any subsequent federal decennial census and to the largest municipality in any such county.

Section 2. In every county to which this act applies the judge of probate who is ex officio the chairman of the county commission and each of the associate members of such county governing body shall be compensated as follows:

judge of probate	\$25,000.00 per annum
each associate county	
commissioner	9,600.00 per annum.

The salaries herein prescribed shall be payable in equal monthly installments out of the county treasury, and as to the associate commissioners shall be in lieu of all other salaries and expenses heretofore allowed; however as to the judge of probate such salaries shall be in addition to any and all other fees allowed to such officer by law, but in lieu of any salary heretofore prescribed for such officer.

Section 3. In all cities to which this act applies where a commission form of government is used, the mayor and each associate commissioner of the city governing body shall be compensated as follows:

Mayor	\$25,000.00 per annum
each associate	
commissioner	9,600.00 per annum.

The salaries herein prescribed shall be payable in equal monthly installments from the city treasury, and shall be in lieu of all other salaries and expenses heretofore allowed by law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective as to the compensation of the members of the city governing body of any city to which this act applies on the first day of the next new term of office for the mayor of such city which begins after this act becomes law or after this act becomes effective in such city, whichever occurs first, and as to the members of the county governing body this act shall become effective immediately after the expiration of the term or terms of office of the member or members of such governing body whose term or terms first expire after this act becomes law or after this act becomes effective in any such county.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little,

Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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And said Bill, H. B. 687, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 765. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; amending Section 3.18 of Act No. 618, H. 796 of the 1973 Regular Session (Acts 1973, Vol. II, p. 879) as amended, which act pertains to the mayor-council form of government, so as to provide that examination of the books and accounts of the city shall not be made more than two years in succession by the same accountant.

was taken up.

Mr. Jones offered the following amendment to the Bill, H. B. 765, to-wit:

AMENDMENT TO H. 765

In the title, on line 13, strike the words "most recent" and insert in lieu thereof the words

last or any succeeding

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 765, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 766. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent federal decennial census; amending Section 6.07 of Act No. 618, H. 796 of the 1973 Regular Session, (Acts 1973, Vol. II, p. 879), as amended, which act pertains to the mayor-council form of government, so as to include purchase of labor, services, work and lease agreements in the responsibility of the purchasing agent in the department of finance.

was taken up.

Mr. Jones offered the following amendment to the Bill, H. B. 766, to-wit:

AMENDMENT TO H. B. 766

In the title, line 14, strike the words “most recent” and insert in lieu thereof the words

last or any succeeding

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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And said Bill, H. B. 766, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 599. To authorize the Walker County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

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Nays:

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BILL RECONSIDERED

On motion of Mr. Stewart, the Senate reconsidered the vote by which the Bill, H. B. 694, was passed.

BILLS ON THIRD READING RESUMED

The Bill:

H. 594. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, page 298) which creates and establishes the county-wide Civil Service System in Mobile County, so as to increase the membership of the Personnel Board and provide districts from which members are to be selected; and to provide for equal opportunity within such system.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 594, to-wit:

COMMITTEE AMENDMENT TO H. B. 594

Amend H. B. 594 on line 9, page 5, by striking the word "may" and inserting in lieu thereof the word "shall".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims,

Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Standing Committee on Local Legislation No. 1 then reported the following amendment to the Bill, H. B. 594, to-wit:

COMMITTEE AMENDMENT TO H. B. 594, AS AMENDED

On page 2, lines 20 & 21, strike the words "the President or other Chief Executive officer of the Mobile Fire Fighters Association" and insert in lieu thereof the following: "one full-time fire fighter from a municipality in Mobile County selected by the Mobile County Municipal Association"

On motion of Mr. Noonan, said amendment was laid on the table.

The Standing Committee on Local Legislation No. 1 then reported the following amendment to the Bill, H. B. 594, to-wit:

COMMITTEE AMENDMENT TO H. B. 594, AS AMENDED

Amend House Bill No. 594, page 9, by deleting in their entirety lines 10, 11, and 12.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

--25

Nays:

—0

The Standing Committee on Local Legislation No. 1 then reported the following amendment to the Bill, H. B. 594, to-wit:

COMMITTEE AMENDMENT TO H. B. 594, AS AMENDED

Amend House Bill No. 594, page 8, line 28, after the word "provided," by inserting the following sentence: "It is further the intent of this Act that no employees, appointees of the County, any municipality, agency or other appointing authority shall be a member of both a collective bargaining unit and the classified service."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims,

Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

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Mr. Noonan offered the following amendment to the Bill, H. B. 594, as amended, to-wit:

AMENDMENT TO H. B. 594, AS AMENDED

On page 2, strike subsection v.(b)2. in its entirety and insert in lieu thereof the following:

"2. The following non-elected officials shall also be members of the Supervisory Committee: The President or other chief executive officer of the Mobile County Municipal Association; a representative elected by all of the professional law enforcement officers of Mobile County, (including all members of MCLEA); a representative elected by all the professional fire fighters of Mobile County; and a representative elected by the employees employed under the Mobile County Merit System; each of whom shall be a bona fide resident and qualified elector of Mobile County. The representatives of the professional law enforcement officers of Mobile County, (including all members of MCLEA), the professional fire fighters of Mobile County, and the employees employed under the Mobile County Merit System, shall be elected at meetings called for that purpose by the Chairman of the Supervisory Committee, notice of which shall be given to the members of their representative class by publication once each day for three (3) consecutive days preceding such meetings in a newspaper of general circulation, published in Mobile County. The notice of publication shall be signed by the Chairman of the Supervisory Committee, and shall state briefly the purpose of the meeting together with the date, time and place of holding such meeting. All such meetings shall be held at the Mobile County Courthouse, or some other public meeting place designated by the Chairman of the Supervisory Committee. The Chairman of the Supervisory Committee or such other person as may be designated by him, shall preside at such meetings and Roberts' Rules of Order shall be followed in the conduct of such meetings. The members of the Supervisory Committee so elected shall serve for four (4) year terms or until successors are elected and qualified. In the event of a vacancy, such vacancy shall be filled in the same manner as the initial members are elected, to complete the unexpired term. Only full-time permanent employees in each representative class shall be eligible to vote at any such election. The Personnel Department shall certify to the Chairman of the Supervisory Committee the names of all law enforcement officers, fire fighters, and other employees eligible to vote at any such election at least two days prior to the meeting or meetings called for that purpose.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

—0

And said Bill, H. B. 594, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 140. RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, to be considered upon reaching bills on Third Reading, for the 30th Legislative Day:

Bill No.	Page No.	Description
H. 576	33	Tennessee-Tombigbee
H. 577	34	Tennessee-Tombigbee
H. 1033	56	Bond issue—state docks

On motion of Mr. Fin[^], the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

H. 185. To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

On motion of Mr. Fine, further consideration of the Bill, H. B. 185, and also of H. B. 117, was postponed temporarily.

SPECIAL ORDER

The Senate proceeded to consideration of the next Special Order for today, the first item of which was the Bill:

H. 576. To provide for and authorize the sale and issuance of general obligation bonds of the state in aggregate principal amount not exceeding \$25,000,000, the proceeds of which are to be expended by the Tombigbee Valley Development Authority in fulfilling the requirements of local contribution, participation and cooperation on the part of the state established by the United States in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; to make provisions for the sale, execution and issuance of the said bonds; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the said bonds; to provide that the said bonds and the income therefrom shall be exempt from taxation; and to authorize and direct the State Treasurer to pay the principal of and interest on the said bonds from any available funds of the state.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 576, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL NO. 576

Amend House Bill 576 by inserting after the word "expenses" in Section 1, Page 2, last paragraph the following: "and flood control project as defined in Act No. 264, page 746, 1967 Acts of Alabama, 1967, Vol. II."

And substituting in Section 7, Page 10 the year "1976" in lieu of "1975."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, Mims, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 576, as thus amended, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—28

Nays:

—0

The Bill:

H. 577. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement within the state in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; and to authorize the state to become indebted and to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$25,000,000.

Was read a third time at length as required by the Constitution and passed.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—27

Nays:

—0

The Bill:

H. 1033. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$12,000,000 principal amount of revenue bonds for the purpose of the improvement of existing seaport facilities and the construction and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the full faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in an order of the Director of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special processing charge; the pledge of the special processing charge for payment of the principal of and interest on the bonds issued hereunder and that such pledge will constitute a first charge on the special processing charge so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of

the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

Was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flippo, Gilmore, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays: Messrs. Ellis, Stewart.

—2

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 141. RESOLVED BY THE SENATE, That the following resolution shall be the paramount and continuing order of business, immediately upon the adoption of this resolution for the 30th Legislative Day:

Resolution Number	Page No.	Description
H. J. R. 282	51	Wood chips
H. J. R. 203	50	Agriculture
H. J. R. 289	51	Vocational education
S. J. R. 118	50	Parking
H. J. R. 77	50	Merit System
H. J. R. 173	50	Forts and historical trails
H. J. R. 174	50	Archaeology
H. J. R. 210	51	Tax structure

On motion of Mr. Littleton, the Resolution was adopted by the Senate.

Mr. Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 142. Act No. 949, S. J. R. 130, 1975 Regular Session is hereby amended to read as follows:

SENATE JOINT RESOLUTION

TO CREATE AND PROVIDE FOR A CONTINUING INTERIM COMMITTEE ON FINANCE AND TAXATION.

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING:**

1. There shall be an Interim Committee on Finance and Taxation, to meet during the interim between approval date of this resolution and the opening day of the regular session of the Legislature in May 1976 and again between the 1976 Regular Session and again between the 1977 Regular Session and the 1978 Regular Session, whose duty it shall be to make a careful investigation and study of the financial condition of the State, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Senate Standing Committee on Finance and Taxation, and the members of the House Standing Committee on Ways and Means.

2. The Chairman of the Senate Committee on Finance and Taxation shall be Chairman of said Committee and the Chairman of the Ways and Means committee shall be Vice Chairman. The Chairman of the Committee, or in his absence the Vice Chairman, shall set the schedule and program for committee work. He shall fix the days and hours of meeting and of conducting hearings and examining witnesses who appear before the committee. He may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the committee's business and expedite its work. The Chairman of the Committee may employ such clerical, legal, technical, and expert assistance as the committee may find necessary in performing its duties.

3. The committee shall determine the amount to be paid employees, who shall be paid in accordance with Title 32, Section 13, Code of Alabama. The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session, but only for days in actual attendance at meetings. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

4. The final report of the committee, along with findings and recommendations, shall be submitted to the Governor no later than the fifth legislative day of the regular session for the year in which such committee is reporting. Upon the submission of the final report in 1978 the committee shall stand dissolved.

5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was read and referred to Standing Committee on Finance and Taxation, under the provisions of Senate Rule 76 (B).

SPECIAL ORDER

RESOLUTIONS

The Senate proceeded to consideration of the next Special Order for today, the first item of which was the Resolution:

H. J. R. 282. Creating a Joint Interim Committee to study wood fiber and requirements for facilities to export wood chips world-wide.

On motion of Mr. Baker, further consideration of said Resolution, H. J. R. 282, and also H. J. R.'s 203 and 289, S. J. R. 118, H. J. R.'s 77, 173, 174, and 210, was postponed temporarily.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 143. RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, to be considered upon reaching bills on Third Reading, for the 30th Legislative Day:

Bill No.	Page No.	Description
H. 412	63	Highway permits
H. 980	55	Rail transportation
H. 133	11	Coal mine safety
H. 36	20	Special Education
H. 402	61	Limits—liability Ins.
H. 360	40	Department of Travel
H. 774	42	Municipal government

Mr. St. John offered the following substitute for the Resolution, S. R. 143, to-wit:

SUBSTITUTE FOR S. R. 143

RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, to be considered upon reaching bills on Third Reading, for the 30th Legislative Day:

Bill No.	Page No.	Description
H. 412	63	Highway permits
H. 980	55	Rail transportation
H. 133	11	Coal mine safety
H. 36	20	Special Education
H. 360	40	Department of Travel
H. 774	42	Municipal government

Which was adopted.

And on motion of Mr. St. John, said Resolution, S. R. 143, as thus amended, was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next Special Order for today, the first item of which was the Bill:

H. 412. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permits.

And said Bill, H. B. 412, was read a third time at length and passed.

Yeas 18; Nays 5.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Gilmore, King, Littleton, McDonald (A), Mims, Owen, Pearson, Perloff, Powell, St. John, Shelby, Torbert, Vacca, Waldrop.

—18

Nays:

Messrs. Baker, McMillan, Noonan, Roberts, Stewart.

—5

The Bill:

H. 980. This Bill authorizes the State of Alabama Highway Department to establish and supervise a state plan for safe, effective and efficient rail transportation services; to perform all planning necessary pursuant to the provisions of the federal Rail Revitalization and Regulatory Reform Act of 1976, and any subsequent federal legislation, rules or regulations; authorizes the expenditure of federal funds and a nominal amount of State funds for this program; and make the necessary appropriation from the General Fund of the State of Alabama.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—28

Nays:

—0

The Bill:

H. 434. Relating to Madison County, authorizing and directing the county governing body to pay Mr. Stanley Stafford of Madison County, Alabama the sum of \$25,033.65 in full settlement as compensation for personal injuries of Mr. Stafford pursuant to a motor vehicle collision which occurred on December 13, 1973 in Madison County.

was taken up.

Mr. Baker offered the following substitute for the Bill, H. B. 434, to-wit:

SUBSTITUTE FOR H. B. 434

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County, authorizing the county governing body to pay Mr. Stanley Stafford of Madison County, Alabama up to the sum of \$25,033.65 in full settlement as compensation for personal injuries of Mr. Stafford pursuant to a motor vehicle collision which occurred on December 13, 1973 in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Whereas, Mr. Stanley Stafford of Madison County claims he has sustained personal injuries resulting from a motor vehicle collision between a vehicle being driven by the said Stanley Stafford and a vehicle owned by Madison County and at the time of the collision being operated by an employee of Madison County acting within the line and scope of his employment as an employee of Madison County, which said collision occurred on December 13, 1973 in Madison County, Alabama on Alabama Highway #1, U. S. Highway #231-431 between Steger Road and Walker Lane, and,

Whereas, the County employee who was operating said vehicle could possibly be subjected to a civil judgment for a large sum of money which could be greatly in excess of the amount of the proposed settlement, and,

Whereas, it is in the public interest that Madison County be allowed to afford protection for said county employee who would be otherwise uninsured, and,

Whereas, Mr. Stafford was caused to incur medical expenses in excess of \$20,000.00 and whereas the above settlement would be a just and moral obligation of Madison County.

Section 2. The county governing body of Madison County is hereby authorized, upon investigation of and verification of the issue of possible liability of the county employees and verification of the substantial damages and injuries to Mr. Stafford to pay to Mr. Stafford an amount up to the sum of \$25,033.65 in full settlement of all claims arising out of the said collision.

Said amount shall be paid only upon execution by Mr. Stafford of a full release of Madison County and any Madison County employees from any further claim arising out of said collision.

Section 3. The provisions of this act are severable if any part of the act is declared invalid or unconstitutional. Such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 434, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 133. To amend Section 16 (h) of Act No. 207, S. 134, Regular Session, 1949, as amended by Act No. 147, H. 104, 4th Special Session, 1975, the Act known as the "Alabama Coal Mine Safety Law of 1975", so as to further provide for adequate roof support and ventilation at the working faces.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—24

Nays:

—0

The Bill:

H. 36. To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act and to distinguish and include the partially hearing.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore,

Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—24

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 126. Relating to certain positions in the state department of education; providing that such positions shall continue to be subject to and governed by the state merit system law, except as to the fixing of the salaries for such positions, until vacated by the incumbents of such positions, respectively, when this act becomes law, but shall thereafter not be subject to such law; regulating powers and duties of the state board of education and the state superintendent of education relative to such positions and the recruitment and employment of persons to fill such positions.

OBIE J. LITTLETON,
Acting Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 110. A STUDY OF TEACHER UNITS IN ELEMENTARY-SECONDARY SCHOOLS.

Also:

S. 111. To amend Section 16-113 of Act No. 1205, S. 400 of the 1975 Regular Session, relating to the uniform fee system in circuit and district courts, to add the collection and payment of fees in the sale of abandoned automobiles provided by Act No. 1154, H. 675 of the 1971 Regular Session (Acts 1971, Vol. III, p. 1999).

Also:

S. 212. To require the State department of education to establish a program of courses or lectures in the public schools of this State to teach the principles of patriotism in its curriculum.

Also:

S. 216. To require the state board of education to afford all students attending public kindergarten, primary and secondary schools the opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag.

Also:

S. 222. Relating to livestock dealers, all annual permit required of such dealers, bills of sale required and removal of the prohibition of the sale of livestock at night: to amend Section 385, as amended, and Section 386 of Title 2 of the Code of Alabama of 1940, relating to livestock dealers, the annual permit required and the fee required therefor, bills of sale and bills of lading required thereunder; and to repeal Section 387 of Title 2 of the Code of Alabama of 1940 which prohibits the sale of livestock after sunset or before sunrise.

Also:

S. 224. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$25.00; to provide for the effective date of this Act.

Also:

S. 259. Providing that the Probate Judge of DeKalb County shall appoint designate from existing clerical positions one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Also:

S. 297. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons

relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

Also:

S. 494. For the relief of Continental Telephone Company; making an appropriation from the state treasury to compensate such company for telephone service furnished for the district attorney of the Twenty-fourth Judicial Circuit in prior years.

Also:

S. 499. To allow as a deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

OBIE J. LITTLETON,
Acting Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

The Resolution:

H. J. R. 282. Creating a Joint Interim Committee to study wood fiber and requirements for facilities to export wood chips world-wide.

was again taken up.

Mr. Roberts moved that further consideration of the Resolution, H. J. R. 282, be postponed temporarily.

On motion of Mr. Fine, the motion to postpone was laid on the table.

Yeas 17; Nays 6.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Gilmore, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Waldrop, Wilson.

Nays:

Messrs. Baker, Edwards, King, Little, Roberts, Stewart.

—6

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 144. RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, to be considered upon reaching bills on Third Reading, for the 30th Legislative Day:

Bill No.	Page No.	Description
H. 667	15	Medicaid
H. 668	15	Medicaid
H. 803	43	Medicaid
H. 848	44	Medicaid
H. 982	14	Medicaid
H. 1208	26	Medicaid

On motion of Mr. Littleton, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next Special Order for today, the first item of which was the Bill:

H. 667. Relating to eligibility requirements for medical assistance from the State of Alabama including but not limited to nursing home patients; imposing criminal penalties for any one who divests himself or initiates, procures, induces, aids, abets, or advises another to divest himself of assets for the purpose of meeting eligibility requirements for medical assistance.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, H. B. 667, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 667

Amend House Bill No. 667, page 1, line 10, by changing the word "two" to "one".

Further amend House Bill No. 667, page 1, line 32, by changing the word and figure "two (2)" to "one (1)".

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs. Bank, Edwards, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—23

Nay: Mr. Baker.

—1

Mr. Edwards offered the following amendment to the Bill, H. B. 667, as amended, to-wit:

AMENDMENT TO H. B. 667

Amend House Bill No. 667 Page 2 Lines 23-25, by striking out Section 5 entirely and inserting in lieu thereof:

“Section 5. The provisions hereof shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.”

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—26

Nays:

—0

And said Bill, H. B. 667, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Wilson.

—24

Nays:

—0

The Bill:

H. 668. To provide that all persons eligible to receive medicaid shall pay the sum of one dollar (\$1.00) for each visit as a co-payment for medical services provided by a physician under the medicaid program.

was taken up.

Mr. Edwards offered the following amendment to the Bill, H. B. 668, to-wit:

AMENDMENT TO H. B. 668

Amend House Bill No. 668 Page 1 Lines 34-36, by striking out Section 5 entirely and substituting therefor:

"Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—23

Nays:

—0

And said Bill, H. B. 668, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 2.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—23

Nays: Messrs. Fine, Jones.

—2

The Bill:

H. 360. To rename the state Bureau of Publicity and Information and to transfer duties and functions now performed by the state Bureau of Publicity and Information to the Alabama Department of Travel.

was taken up.

Mr. Owen offered the following substitute for the Bill, H. B. 360, to-wit:

SUBSTITUTE FOR H. B. 360

A BILL
TO BE ENTITLED
AN ACT

To rename the State Bureau of Publicity and Information, and to transfer duties and functions of the Bureau to the newly created Department, and to amend the title and sections 1, 2, 3, and 4 of Act No. 712, H. 48, Regular Session, 1951 which established the Alabama Bureau of Publicity and Information, so as to change the name of the Bureau in each section and to provide further for the selection of a Director of the Department and set qualifications for the position, provide for an advisory board, and allow for certain promotional activities by the Department.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the effective date of this Act, the state Bureau of Publicity and Information, created by Section 1, Act No. 712, H. 48, Regular Session 1951 (Acts of Alabama 1951, p. 1250), shall be designated and renamed the Alabama Department of Travel, and the Alabama Department of Travel shall perform all the duties and functions heretofore performed by the state Bureau of Publicity and Information and all the rights, duties, powers, authority, property, and effects now or hereafter vested by law in the Bureau of Publicity and Information are hereby vested in the Alabama Department of Travel. Wherever in the laws of the state of Alabama, or in any legislative act, the term "Bureau of Publicity and Information" is used the same shall mean the "Alabama Department of Travel." Wherever in the laws of the State of Alabama, or in any legislative act, the term "Director of the Bureau of Publicity and Information" is used the same shall mean the "Director of the Alabama Department of Travel."

Section 2. The title and sections 1, 2, 3, and 4 of Act No. 712, H. 48, Regular Session 1951, are hereby amended to read as follows:

"Section 1. There is created hereby a State Department of Travel (hereinafter referred to as the "Department") composed of such divisions as the director, with the approval and consent of the Governor and the Advisory Board, determines to be necessary for the operation of the Department.

"Section 2. The Alabama Department of Travel shall have a Director, who shall be appointed by the Governor, with the advice and consent of the Senate. The Director shall have control of and shall direct the operations of the Department. He shall possess the following qualifications: He shall have been actively involved in the travel industry in an executive capacity for at least seven (7) consecutive years immediately prior to his appointment and shall have skills and training, or an educational background, that would assist him in carrying out his duties and responsibilities; He shall be at least 25 years of age and a resident citizen of the State of Alabama; and, he shall be of good moral character. The Director shall receive a salary of \$24,500.00 per annum payable in equal monthly installments as other state officials are paid. The director shall appoint division and unit heads and such assistants and employees as may be necessary for the efficient operation of the Department. All employees of the Department shall be subject to the provisions of the Merit System Act, with the exception of division heads and contract employees.

"Section 3.(a) There is hereby created a board to advise and assist the Director. The board shall be composed of the Governor, the Lieutenant Governor, the Speaker of the House, and fifteen (15) appointed members. Eleven (11) members shall be appointed by the Governor with the advice and consent of the Senate for terms to run consecutively with the term of the Governor, which members shall be actively involved in the travel industry or shall possess special skills, training, or qualifications that would assist them in carrying out their duties and responsibilities on the board. These members may be from the membership rolls of any association or group directly interested in the travel industry in Alabama, and further, four of the appointed members shall be members of regional tourist associations selected on an equitable geographical basis from the State of Alabama. In addition, four (4) members shall be selected from the

State Legislature with two (2) members to be appointed from the Senate by the President of the Senate, and two (2) members of the House to be appointed by the Speaker of the House of Representatives. The legislative member terms will run concurrently with the other members of the Board. All members shall serve at the pleasure of the appointing authorities.

“(b) Each member of the Advisory Board shall be entitled to receive per diem and mileage in the same amount as is provided for traveling expenses of public officers and employees of this state, Act No. 470, S. 182, Regular Session 1969, (Alabama Acts 1969, p. 912) as amended, while attending Advisory Board meetings, except that members of the state Legislature will receive their regular legislative pay while attending such meetings.

“(c) The function of the Advisory Board will be to review the policies and programs of the Alabama Department of Travel, formerly the Bureau of Publicity and Information, and to make recommendations to the Director so that the State of Alabama can take full advantage of its many attractions and resources in the travel and tourist industry and to fully develop and implement a sound travel program for the State of Alabama. The Advisory Board shall conduct quarterly meetings within the State of Alabama. The Board may meet in specially called meetings upon call by the Director or the Chairman of the Board.

“Section 4. The Department shall have the duty and responsibility to promote tourism and travel related activities on behalf of the State of Alabama and may advertise in any newspaper, magazine, program, or other publication regardless of location, and shall do whatever necessary and proper to promote the State of Alabama and its many tourist attractions and facilities located throughout the State of Alabama. The Department shall work closely with all other persons, groups, associations, and local governments in the promotion of the State of Alabama, but it shall have the sole responsibility of tourist advertising insofar as State Government is concerned and shall have the exclusive control and authority to plan and conduct all state programs relating to the attraction of tourists to the State.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 3.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flippo, Jones, King, Littleton, McDonald (A), Mims, Mitchell, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

—21

Nays: Messrs. Edwards, Little, Stewart.

—3

And said Bill, H. B. 360, as thus amended by the substitute, was read a third time at length and passed.

Yeas 15; Nays 6.

Yeas:

Messrs. Bank, Clemon, Ellis, Fine, Gilmore, Jones, Mims, Mitchell, Owen, Pearson, Powell, St. John, Shelby, Vacca, Waldrop.

— 15

Nays:

Messrs. Baker, Edwards, Little, McDonald (A), McMillan, Stewart.

— 6

The Bill:

H. 803. To provide a right of subrogation for the State of Alabama for certain payments made for recipients under the Alabama Medicaid Program, including means for enforcement of such rights.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Vacca, Waldrop.

— 22

Nays:

— 0

The Bill:

H. 982. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration, and to provide that two or more offenses of falsifying such claims or applications may be charged in the same indictment in separate courts.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, H. B. 982, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 982

Amend House Bill No. 982 by inserting the following:

Section 2. Any two or more offenses in violation of the preceeding section may be charged in the same indictment in separate counts for each offense and such offense shall be tried together, with separate sentences being imposed for each offense of which defendant is found guilty.

and by renumbering the succeeding sections.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Gilmore, McDonald

(A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—22

Nays:

—0

Mr. Owen offered the following substitute for the Bill, H. B. 982, as amended, to-wit:

SUBSTITUTE FOR H. B. 982

A BILL TO BE ENTITLED AN ACT

To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration, and providing penalties for the violation thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who:

(a) With intent to defraud or deceive makes, or causes to be made, any false statement or representation of a material fact in any claim or application for any payment, regardless of amount from Medical Services Administration, knowing the same to be false, or

(b) With intent to defraud or deceive makes, or causes to be made, any false statement or representation of a material fact in any claim or application for Medical benefits from Medical Services Administration, knowing the same to be false;

shall be guilty of a felony and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not less than one (1) nor more than five (5) years.

Section 2. If any section of this Act is for any reason held or declared by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remaining sections, and it shall be construed to have been the legislative intent to pass this Act without such unconstitutional, inoperative, or void part or parts thereof, and the remainder of this Act, after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Stewart offered the following amendment to the substitute for the Bill, H. B. 982, to-wit:

AMENDMENT TO H. B. 982

Amend H. B. 982 by inserting the following:

Section 2. Any two or more offenses in violation of the succeeding section may be charged in the same indictment in separate courts for each offense and such offense shall be tried together, with separate sentences being imposed for each offense of which defendant is found guilty.

And by renumbering the succeeding Sections.

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Stewart, Vacca.

—20

Nays:

—0

And said Bill, H. B. 982, as thus amended by the substitute, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Stewart, Vacca.

—19

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 96. COMMENDING THOMAS P. MCCABE UPON HIS RETIREMENT AS AUBURN COOPERATIVE EXTENSION COUNTY CHAIRMAN OF MONTGOMERY COUNTY.

Also:

S. J. R. 98. COMMENDING THE AUBURN UNIVERSITY COOPERATIVE EXTENSION SERVICE EMPLOYEES IN ELMORE COUNTY.

Also:

S. J. R. 99. COMMENDING FRED WARD UPON RECEIVING THE PRINCIPALS' ACHIEVEMENT AWARD FOR THE SECONDARY DIVISION.

Also:

S. J. R. 111. MOURNING THE DEATH OF JOHN RADNEY CHADWICK.

Also:

S. J. R. 114. COMMENDING CIRCUIT JUDGE FRED W. NICOL UPON BEING ELECTED PRESIDENT OF THE CIRCUIT JUDGES ASSOCIATION OF ALABAMA.

Also:

S. J. R. 115. CONGRATULATING MISS JANE CULBRETH UPON BEING NAMED PRESIDENT OF THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS.

Also:

S. J. R. 120. COMMENDING THE "KILGORE TOM BOYS".

Also:

S. J. R. 121. COMMENDING EUGENE H. STARNES UPON HIS RETIREMENT.

Also:

S. J. R. 126. COMMENDING THE ADAMSVILLE DIXIE YOUTH BOYS LEAGUE BASEBALL TEAM.

Also:

S. J. R. 128. COMMENDING THE LOVELY MRS. ALBERT McDONALD ON ATTAINING NATIONAL RECOGNITION.

OBIE J. LITTLETON,
Acting Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, had compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 20. To further amend Section 48, Title 36, Code of Alabama 1940, as amended, which section relates to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn right or left on a red traffic signal.

Also:

S. 53. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to

provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last 1970 or any subsequent federal decennial census.

Also:

S. 55. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Also:

S. 59. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, according to the 1970 or any subsequent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties; to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Also:

S. 81. To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama" as heretofore amended, by providing for minimum monthly benefits for members of the system and the widows of deceased members of the system, and by providing for supplemental allowances for the payment of such minimum monthly benefits and by giving same retroactive effect.

Also:

S. 130. To authorize the Director of Finance, the Highway Director, the Attorney General, the State Treasurer and the Executive Secretary to the Governor to become a corporation; to prescribe the powers of such corporation, including the power to construct interstate and defense highways in the State and to finance such construction by the issuance of its Bonds; to authorize the Corporation to issue not exceeding \$212,000,000 aggregate principal amount of Bonds; to authorize the issuance of Temporary Bonds and Notes in anticipation of the issuance of such Bonds; to provide that no such Obligations shall create an obligation or debt of the State but that such Obligations shall be limited obligations payable solely out of federal aid interstate and defense highway funds to be received during federal fiscal years ending in 1978 through 1983, the proceeds of the taxes and fees in respect of gasoline and other motor fuels, and motor vehicles and the sale, receipt or use thereof, interest on the investment of funds herein provided for, and the revenues of the Corporation appropriated and pledged in this Act; to provide for the pledge of such funds, taxes, fees, interest and appropriations to the

payment of said Obligations; to provide that such Obligations and the income therefrom shall be exempt from taxation; to provide that such Obligations may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall be lawful for the investment of trust funds, to authorize the Corporation of pledge for payment of the principal of and interest on such Obligations the money appropriated and the funds, taxes, fees, interest and appropriations pledged in this Act; and otherwise to provide for or accelerate the construction of interstate and defense highway projects; and to confer on said Corporation the power of eminent domain.

Also:

S. 138. To authorize and empower Recorders of municipalities of less than 300,000, according to the last or any subsequent federal census, to suspend sentences and grant probation to persons convicted of violating municipal ordinances; to authorize investigations; to authorize imposition of terms and conditions or probation; to authorize revocation of probation and re-arrest of defendants; to provide for the discharge of persons complying with the terms and conditions of probation; to require Recorders to file monthly reports with the governing body; and to preserve the pardon and parole power of the mayor.

Also:

S. 195. To amend Sections 1, 3, 4, 6, 6-a, 7, 8, 11, 15, 16, 18, 21, 23, 29, 31, 37, 38, 39, 47, and 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Also:

S. 196. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 17, 19, 22, 24, 30, 32, 38, 39, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special

elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Also:

S. 201. To amend Section 7(3), H. 300, Act No. 161, Act No. 513 Alabama Acts, Regular Session, 1975 to provide that the Joint Underwriting Association need not be the exclusive agency through which medical liability insurance may be written on a primary basis in this state for physicians.

Also:

S. 238. To authorize, permit and regulate certain activities on Sunday in each county in the State which has a population of not less than 56,500 nor more than 59,000, according to the most recent 1970 or any subsequent federal decennial census; and to require a special license of certain businesses which operate on Sunday as authorized by this Act.

Also:

S. 257. To provide for the publication of a list of qualified electors in DeKalb County; to prescribe procedure for the payment of expenses incurred in the publication of such list and to repeal all conflicting statutes.

Also:

S. 258. To alter and rearrange the boundaries of the Town of Ider, DeKalb County, Alabama, so as to include within the corporate limits thereof, upon approval by referendum election, the territory hereinafter described; and to provide for the conduct of the election.

Also:

S. 261. To provide that the State Department of Revenue shall collect all gasoline taxes levied in DeKalb County and said department is authorized to promulgate rules and regulations pursuant to the collection of such taxes and to provide for the recovery of the costs of collection of such taxes out of the proceeds of such taxes.

Also:

S. 262. To amend the title, Section 1 and Section 2 of Act No. 906, H. 1867, 1975 Regular Session (Acts of 1975), which provides that the DeKalb County Commission may levy a severance tax on coal in said county, so as to provide that the State Department of Revenue shall collect

all severance taxes on coal levied by DeKalb County, promulgate rules and regulations pursuant to the collection of such taxes, and recover the costs of collection of such taxes, out of the proceeds of such collections; to provide that the first \$250,000 of such tax money that the county receives be designated for the county general fund and the remainder to go to the DeKalb County Road and Bridge Fund.

Also:

S. 283. Relating to all counties having populations of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census according to the 1970 or any subsequent federal decennial census; providing that associations or corporations organized for the purpose of operating water works for unincorporated areas in such counties under Title 10, Section 168 of the Code of Alabama, as amended, relating to single tax or co-operative associations, shall be further exempt from any state or county license tax on gross receipts, and no license or excise tax may be imposed on any such authority organized for such purposes.

Also:

S. 330. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Also:

S. 331. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Woodland in Randolph County.

Also:

S. 335. To establish a comprehensive system for budgeting and financial management.

Also:

S. 343. Providing that the Probate Judge of Jackson County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Also:

S. 345. To repeal Act No. 28, H. 33, 1975 Fourth Special Session, (Acts of 1975, approved November 12, 1975) entitled "An Act Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections."

Also:

S. 346. To repeal Act No. 27, H. 32, 1975 Fourth Special Session (Acts of 1975), entitled "Relating to counties having a population of not

less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections."

Also:

S. 359. RELATING TO THE CITY OF RAINSVILLE, DEKALB COUNTY, ALABAMA SO AS TO EARMARK ONE-HALF OF ONE CENT (1/2¢) OF THE EXISTING CITY SALES TAX AND USE TAX TO BE PAID TO THE RAINSVILLE CIVIC CENTER AND COLISEUM AUTHORITY, INC. FOR THE PURPOSE OF CONSTRUCTING A CIVIC CENTER AND COLISEUM AND TO PROVIDE THAT ANY EXCESS OVER THE AMOUNT NEEDED TO AMORTIZE THE CONSTRUCTION LOAN OR BONDS MAY BE USED FOR OPERATION AND MAINTENANCE OF THE CIVIC CENTER AND COLISEUM AND TO PROVIDE FOR THE LENGTH OF TIME OF THE EARMARKING AND TO PROVIDE THAT THE TREASURER OR PERSONS AUTHORIZED TO DRAW WARRANTS OR CHECKS ON SAID FUNDS SHALL BE BONDED.

Also:

S. 362. To require every municipality in the state to provide a civil service merit system governing its law enforcement officers to enter into an agreement for participation in the state merit system.

Also:

S. 372. To alter and rearrange the boundaries of the town of Rainsville, DeKalb County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

Also:

S. 391. Relating to Cullman County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Also:

S. 403. To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202) which levies and provides for the collection of a lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and conventions in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

Also:

S. 408. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent 1970 or any subsequent federal decennial census; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his

arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Also:

S. 433. Relating to counties having populations of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; to provide further for the compensation or expense allowance of the district court judge in such counties.

Also:

S. 434. Relating to Franklin County; to provide a certain additional expense allowance for the tax assessor of said county; to provide for the employment of certain additional personnel by said official; to provide for the compensation of such personnel and to repeal all conflicting statutes.

Also:

S. 465. Relating to Randolph County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Also:

S. 474. Relating to Calhoun County, authorizing the county governing body to contribute available county funds to the Anniston Museum of Natural History.

Also:

S. 514. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent 1970 or any subsequent federal decennial census; to relieve and exempt the Clerk of the county or district court and the tax collector of such counties from personal liability for errors, mistakes and omissions of employees serving under him.

Also:

S. 537. To provide for the compensation of certain circuit judges in this state; to provide for a certain county salary supplement in lieu of present expense allowances for such judges.

Also:

S. 544. To amend further Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts 1965, v. 1, p. 762); to amend such Act in relation to the compensation of the appointed members of the commission and the compensation of the clerk of the jury commission; and to give this Act retroactive effect.

Also:

S. 547. To provide for an expense allowance for the solicitors of Morgan County in addition to all other salary, compensation and expense allowances provided for by law; giving this act retroactive effect.

Also:

S. 549. TO EMPOWER THE GOVERNING BODY OF ANY CITY IN THE STATE HAVING A POPULATION OF TWO HUNDRED

FIFTY THOUSAND OR MORE TO ESTABLISH A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR ITS UNCLASSIFIED EMPLOYEES, THE BENEFITS OF WHICH MAY EXTEND TO THE WIDOWS AND CHILDREN OF SUCH EMPLOYEE; AND TO PROVIDE FOR A BOARD OF MANAGERS BY WHICH THE SAME SHALL BE ADMINISTERED.

Also:

S. 550. TO AUTHORIZE ANY MUNICIPALITY HAVING TWO HUNDRED FIFTY THOUSAND INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS TO SELL AND REGULATE THE SALE OF STOLEN, ABANDONED, LOST OR UNCLAIMED PERSONAL PROPERTY.

Also:

S. 556. Relating to Morgan County; to provide for the Morgan County Board of Education, its members, their districts, qualifications, election and removal from office, and repealing conflicting laws.

Also:

S. 568. To amend further Section 1 of Act No. 668, S. 787, Regular Session 1969 (Acts 1969, p. 1203), as amended, which act regulates the compensation of members of the county board of registrars in all counties having populations of not less than 75,000 nor more than 90,000 inhabitants according to the most recent 1970 or any subsequent federal decennial census so as to regulate further such compensation.

Also:

S. 569. To amend further Section 1 of Act No. 142, H. 508, Regular Session 1969 (Acts 1969, p. 414), as amended, regulating the compensation of members of the county board of registrars in all counties having populations of not less than 27,000 nor more than 27,900, according to the most recent 1970 or any subsequent federal decennial census so as to regulate further such compensation.

Also:

S. 573. To amend Act No. 431, Ex. Sess., 1966, relating to restrictions on the sale of groceries on Sunday in each county having a population of 500,000 or more according to the last or any succeeding federal census, so as to increase the maximum number of employees that may be employed in a store authorized to stay open on Sunday from four to six.

Also:

S. 584. To provide for an expense allowance for the district court judges of the District Court of Morgan County pursuant to the creation of the court by Alabama Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, p. 2384).

Also:

S. 585. Relating to Morgan County; providing for the manner of the election of the county superintendent of education and fixing his salary at the same rate and the method of payment in the same manner as he presently is paid.

Also:

S. 591. To provide that any circuit clerk who is serving as such clerk on October 1, 1976, and who has served twenty-three years shall be eligible for supernumerary status at any time provided he has paid contributions into the supernumerary fund for the number of years required by the Judicial Implementation Act.

Also:

S. 606. Relating to all counties having a population of 600,000 or more inhabitants: according to the most recent 1970 or any subsequent federal decennial census; giving constables in all such counties the exclusive power to serve all civil processes, in the geographical district or areas for which they were respectively, elected or appointed.

Also:

S. 607. Relating to all counties having a population of 600,000 or more inhabitants according to the most recent 1970 or any subsequent federal decennial census; giving the constables or his duly authorized deputies in such counties the exclusive authority to serve all civil subpoenas, in the geographical district or area for which they were respectively, elected or appointed, except for jury or grand jury service; and vesting in the sheriffs or his deputies the exclusive authority to serve all criminal subpoenas.

Also:

S. 610. Relating to Morgan County; to provide that the Morgan County Commission shall have the right to perform surfacing, maintenance and work on public roads anywhere within the county, including within the limits of incorporated municipalities; to provide that the provisions of this act shall terminate May 1, 1978.

Also:

S. 614. To amend the title of Act 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 applicable in all counties having a population of 600,000 or more according to the last or any subsequent decennial census and to also amend Section 2 of said Act by defining the term "county prisoner", used in said Section, so that said term means "any prisoner serving a state or county term", and by defining the term "county jail", used in said Section, so that said term means "the county jail, a county correctional center, or any other facility in which prisoners are serving their terms in said county."

Also:

S. 620. To further amend Section 11 of Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717, et seq.) establishing a retirement system for officers and employees of Jefferson County, as heretofore amended.

Also:

S. 635. To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

Also:

S. 643. To provide for the relief of Charles John Salors by granting to him the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

OBIE J. LITTLETON,
Acting Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1208. To further provide for the eligibility for medicaid benefits for certain medicaid patients who were eligible for benefits upon entrance to the medicaid program and to provide that the provisions of this act will apply retroactively.

was taken up.

Mr. Edwards offered the following amendment to the Bill, H. B. 1208, to-wit:

AMENDMENT TO H. B. 1208

Amend House Bill No. 1208 Page 1 Line 9, by inserting after the word "patient" the following: "receiving medicaid payments"

and further by inserting on line 25 on page 1 after the word "patient" the following: "receiving medicaid payments"

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Vacca.

— 17

Nays:

— 0

And said Bill, H. B. 1208, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Vacca.

—20

Nays:

—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 145. RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, upon reaching bills on Third Reading, for the 30th Legislative Day:

Bill No.	Page No.	Description
H. 256	21	Banking laws
H. 257	21	Banking laws
H. 258	22	Banking laws
H. 259	22	Banking laws
H. 769	24	Banking laws

On motion of Mr. Littleton, the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 848. To provide for relief of any employee of the Medical Services Administration and any other state employee who has the authority to investigate and bring charges against doctors or providers of health care relating to medicaid payments and cases of alleged fraud or abuse of the medicaid program from civil liability arising from said investigation or charges, and also to amend Section 2 of Act No. 2277, S. 177, Alabama Acts 1971, p. 3668 to cover review of medical services furnished to private patients.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Wilson.

—20

Nays:

—0

SPECIAL ORDER

The Senate proceeded to consideration of the next Special Order for today, the first item of which was the Bill:

H. 256. Authorizing fiduciaries holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit of, such securities in a clearing corporation and, when such securities are so deposited, certificates and other instruments representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporations by any person regardless of the ownership of such securities, and certificates or other instruments of smaller denomination may be merged into one or more certificates or other instruments of larger denomination; providing that ownership of, and interest in, such securities may be transferred by entries on the books of the clearing corporation without physical delivery of certificates or other instruments representing such securities; and prescribing the conditions upon which securities may be so deposited.

And said Bill, H. B. 256, was read a third time at length and passed.

Yeas 17; Nays 0.

Abstaining 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Roberts, St. John, Vacca.

—17

Nays:

—0

Abstaining: Messrs. Noonan, Stewart.

—2

The Bill:

H. 257. Authorizing banks and trust companies holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to hold same in a manner such that, without certification of ownership attached, certificates and other instruments representing securities of the same class of the same issuer constituting assets of different accounts are held in bulk, including the merging of certificates or other instruments of smaller denominations into one or more certificates or other instruments of larger denominations; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; authorizing securities so held to be registered in the name of a nominee; and prescribing the conditions upon which securities may be so held.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Abstaining 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Shelby, Stewart, Vacca.

— 18

Nays:

— 0

Abstaining: Messrs. Noonan, St. John.

— 2

The Bill:

H. 774. To repeal Section 413 of Title 37 of the Code of Alabama 1940, as amended.

was taken up.

Mr. Vacca offered the following substitute for the Bill, H. B. 774, to-wit:

SUBSTITUTE FOR H. B. 774

A BILL TO BE ENTITLED AN ACT

To amend Section 413 of Title 37, Code of Alabama, as amended, so as to make the provisions thereof applicable to officers and managerial employees of such corporations holding franchises.

Be It Enacted by the Legislature of Alabama.

Section 1. Section 413 of Title 37, Code of Alabama, as amended, is further amended to read as follows:

“No officer of any municipality shall, during his term of office be an officer, nor be employed in a managerial capacity, professionally or otherwise, by any corporation holding or operating a franchise granted by the city or the state involving the use of the streets of the municipality. This section shall not apply to or affect any attorney or physician employed by the municipality, and any municipality incorporated or organized under any general, special or local law of the state of Alabama may employ an attorney or physician, or attorneys or physicians, employed by a public utility.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Jones, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, St. John, Torbert, Vacca, Waldrop, Wilson.

— 19

Nays: —0

And said Bill, H. B. 774, as thus amended by the substitute, was read a third time at length and passed.

Yeas 15; Nays 2.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Jones, McMillan, Mims, Owen, Pearson, Powell, St. John, Shelby, Torbert, Vacca, Waldrop.

— 15

Nays: Messrs. Baker, Stewart.

— 2

RESOLUTIONS

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 146. MOURNING THE DEATH OF CECIL WOODROW EDGAR.

WHEREAS the Alabama legislature has learned of the unfortunate death of Cecil Woodrow Edgar of Glencoe who died in a hospital after an extended illness; and

WHEREAS Cecil Woodrow Edgar, a graduate of Livingston State College, served as a major in command of antiaircraft units in the European theatre during World War II; and

WHEREAS he was employed as athletic director of Tallapoosa County Board of Education and later taught at Glencoe High School for twenty-eight years; and

WHEREAS Cecil Edgar, a member of the Glencoe First United Methodist Church, is sorely missed by his many friends and loved ones who will long remember his kindness and generosity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Cecil Woodrow Edgar and express our sincerest sympathies to his wife, Mrs. Thelma Norton Edgar; his sons, Travis Woodrow, John Cecil, and James Clarence Edgar, all of Glencoe; his daughters, Mrs. Callie Waldrop, Rainbow City, and Mrs. Myra Lasseter, Huntsville; his sisters, Juanita Wheeler, Butler, and Pauline Britton, Silas; the other members of his family, his chosen brother Clarence Harcrow, Glencoe; his nieces, Kathryn Young, Butler, and Bernice McElwain, Pennington; and to our colleague, Senator Gerald Waldrop.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Senator and Mrs. Gerald Waldrop, Mrs. Cecil Woodrow Edgar, Travis Woodrow, John Cecil, and James Clarence Edgar, Mrs. Myra Lasseter, Juanita Wheeler, Pauline Britton, Clarence Harcrow, Kathryn Young, and Bernice McElwain.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 147. RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, to be considered upon reaching bills on Third Reading, for the 30th Legislative Day:

Bill No.	Page No.	Description
H. 183	4	Controlled Substance Act
H. 181	12	Mid-wifery
H. 628	35	Tourism
H. 629	36	Tourism
H. 932	42	Poultry
H. 480	40	Tax Collectors
H. 279	39	Tomato farming
H. 247	31	Podiatry
H. 234	5	Pardon and Parole Board
H. 89	16	State toxicologist
H. B. 771	12	
H. 53	26	

On motion of Mr. Littleton, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next Special Order for today, the first item of which was the Bill:

H. 183. To amend Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971 called the Alabama Controlled Substances Act, to provide that the State Board of Medical Examiners shall be a certifying board and the certifying boards can charge reasonable fees to defray expenses.

And said Bill, H. B. 183, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 181. To provide for and regulate the practice of Midwifery by the issuance of a license by the State Board of Nursing and Board of Medical Examiners, and to provide penalties for violations.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

Nays:

—0

The Bill:

H. 628. To amend the title and further amend Sections 1 and 2 of Act No. 756, H. 733 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1307), relating to municipalities acquiring, owning and leasing projects for the purpose of promoting industry and trade and regulating pollution, so as to include any tourist or amusement facilities or amusement parks.

was taken up.

On motion of Mr. Littleton, further consideration of the Bill, H. B. 628, was postponed temporarily.

The Bill:

H. 629. To amend the title and further amend Sections 1 and 2 of Act No. 648, S. 518 of the 1949 Regular Session (Acts, 1949, p. 991), relating to the incorporation by municipalities of nonprofit public corporations for the purpose of promoting industry, developing trade and utilizing agricultural and natural resources, so as to include any tourist or amusement facility or amusement parks.

was taken up.

On motion of Mr. Littleton, further consideration of the Bill, H. B. 629, was postponed temporarily.

The Bill:

H. 932. To amend Section 1 of Act No. 571, H. 724, 1963 Regular Session (Acts of 1963, p. 1193), entitled: "An Act Relating to taxation: To exempt wrapping and other packing materials from the State Sales and Use Tax when used in preparing poultry products for delivery, shipment, and sale," so as to include the exemption of pallets used in shipping poultry and egg products.

Was read a third time at length and passed.

Yeas 19; Nays 4.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perloff, St. John, Torbert.

— 19

Nays: Messrs. Perry, Powell, Roberts, Waldrop.

— 4

The Bill:

H. 480. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

was taken up.

Mr. Owen offered the following amendment to the Bill, H. B. 480, to-wit:

AMENDMENT TO HOUSE BILL 480

Amend House Bill 480, on page 4, line 7, by striking the word "Baldwin" where it appears.

Amend further by renumbering Sec. 6 to read Sec. 7, and by inserting Sec. 6 as follows: "Should any Section, paragraph or other part of this Act be declared invalid for any reason, the remainder of the act shall not be affected."

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Clemon, Fine, Flippo, Jones, King, Littleton, McDonald (A), Mims, Mitchell, Owen, Pearson, St. John, Shelby, Torbert, Vacca, Waldrop.

— 17

Nays:

— 0

And said Bill, H. B. 480, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 6.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Flippo, Jones, Littleton, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca.

— 19

Nays:

Messrs. Baker, Edwards, Little, McDonald (A), Pearson, Waldrop.

— 6

BILL RECONSIDERED

On motion of Mr. Fine, the Senate reconsidered the vote by which the Bill, H. B. 412, was passed.

BILLS ON THIRD READING RESUMED

The Bill:

H. 279. To exempt from the sales tax levied by Act No. 100, Second Special Session, Legislature of Alabama 1959, certain items necessary in the farm to market production of tomatoes from sales tax.

Was read a third time at length and passed.

Yeas 19; Nays 3.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, King, Little, Mims, Mitchell, Owen, Pearson, Perloff, St. John, Shelby, Torbert, Vacca.

— 19

Nays: Messrs. Noonan, Roberts, Waldrop.

— 3

The Bill:

H. 234. Requiring that each parolee and probationer pay five percent of his monthly net earned income into the general fund of the state to offset the cost of his supervision and rehabilitation, excepting those cases determined by the board of pardons and parole to cause a hardship.

was taken up.

Mr. Little offered the following amendment to the Bill, H. B. 234, to-wit:

AMENDMENT TO H. B. 234

Amend H. 234 as follows:

On page one, in the Synopsis, on line 10 strike the words "five percent" and insert in lieu thereof the words

a portion

In the title, on line 18 strike the words "five percent" and insert in lieu thereof the words

a portion

On page one, Section 1, on lines 28 and 29 strike the words "five percent (5%) of his net earned income" and insert in lieu thereof the following:

ten dollars (\$10.00)

On page one, Section 1, on line 31 strike the words and percentage "five percent (5%)" and insert in lieu thereof the word

sum

On line 36 strike the words and percentage "five percent (5%)" and insert in lieu thereof the words and figure

ten dollars (\$10.00)

On page 2, Section 2, line 11, strike the words and percentage "five percent (5%)" and insert in lieu thereof the words.

amount of

and on line 13 strike the word "prupose" and insert in lieu thereof the word

purpose.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Noonan, Owen, Roberts, St. John, Shelby, Stewart, Vacca.

—20

Nays:

—0

And said Bill, H. B. 234, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—24

Nays:

—0

The Bill:

H. 247. Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements

for health services issued or delivered in this State shall cover and include the services performed by podiatrists under this Act.

was taken up.

On motion of Mr. St. John, further consideration of the Bill, H. B. 247, was postponed until the next Legislative Day.

The Bill:

H. 89. To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologists so as to allow him to microfilm records in lieu of maintaining original reports as currently required.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 771. To amend Code of Alabama 1940, Title 55, Section 346, which prohibits boxing, sparring or wrestling matches on Sunday so as to provide that the boxing and wrestling commission could allow such matches except during certain hours.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 53. Relating to state and county prisoners; to authorize the establishment of a joint state-county work-release program in any county of the state; to provide rules for establishment and operation of the program; to vest rule-making and administrative power in the board of corrections and county governing bodies; to provide for the disposition of inmates' wages; to authorize pass or leave programs; to provide for assignment and transfer of state prisoners for purposes of participation in the program; and to provide penalties for violation.

was taken up.

Mr. McMillan offered the following amendment to the Bill, H. B. 53, to-wit:

AMENDMENT TO H. B. 53

In Section 16 on page 5, line 25, strike out the period at the end of the sentence and insert in lieu thereof and as a part of such section the following:

; and it is specifically provided herein that any work-release program in operation or functioning pursuant to any local law when this act becomes law may be continued pursuant to such local law and shall not be affected in any way by this act. The county conducting such program may, however, at its option convert the program to a program to be governed by this act.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—23

Nays:

—0

And said Bill, H. B. 53, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Roberts, St. John, Stewart.

—20

Nays:

—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 148. RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, to be considered upon reaching bills on Third Reading, for the 30th Legislative Day:

Bill No.	Page No.	Description
H. 1260	26	Judicial officers
H. 516	44	Judicial officers
H. 243	31	Bid laws

H. 265	5	Trade commission
H. 497	62	Anatomical Gifts
H. 55	15	Anatomical Gift Act
H. 12	37	State Troopers
H. 127	6	School Boards
H. 464	23	Legal ads—newspapers
H. 942	37	Notaries
H. 276	4	Marine mammals
H. B. 238	30	Board of Corrections
H. B. 840	19	
H. B. 75	51	

On motion of Mr. Littleton, the Resolution was adopted by the Senate.

RECESS

At 12:10 P.M., on motion of Mr. Fine, the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION

THIRTIETH LEGISLATIVE DAY

MONDAY, AUGUST 16, 1976

The Senate re-assembled in the Senate Chamber and was called to order by Lieutenant Governor Beasley.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 326. Creating a select joint committee to study the rising cost to the State of the Medicare and Medicaid programs.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1061. Relating to Etowah County; to amend Act No. 829, S. 292, 1975 Regular Session [Acts 1975, p. 1655], which vests in the Etowah County Commission direct and effective financial supervision over county agencies; to authorize said commission to fund state and municipal offices, departments, boards, etc. after the needs of county offices have been met.

Also:

H. 1090. To provide for purging the lists of registered voters in Pike County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 1105. To amend Act No. 161, H. 182, of the 1973 Regular Session (Acts of 1973, p. 202) which levies and provides for the collection of a lodging tax in Cullman County and provides for the use of the proceeds of such tax for developing and promoting tourism and conventions in the county, amending Section 12 of said act in order to authorize the net proceeds of tax to be paid to the local chamber of commerce to be used in its discretion for the purposes of the act.

Also:

H. 1106. Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars (\$6,000) per annum, so long as such judge is a resident of Geneva County.

Also:

H. 1112. Relating to Russell County; to provide the Russell County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Also:

H. 1118. To change the method of compensating certain officers of Washington County, placing such officers on a salary basis and providing for the operation of the offices on such basis.

Also:

H. 1121. To authorize the governing bodies of all counties having populations of not less than 41,750 and not more than 45,000, according to the 1970 or any subsequent federal decennial census, to appropriate funds from the county highway and traffic fund such amount as in their opinion is proportionate with the expenses incurred by the county in law enforcement relative to building and maintaining roads, traffic control and motor vehicle laws.

Also:

H. 1133. Relating to Lee County; providing that the county commission or like governing body shall be paid for their services an additional two cents (\$0.02) per mile for each mile necessarily traveled by them while discharging their official duties in letting out, inspecting and accepting, building or repairing any of the county bridges, buildings, roads or works; providing that such additional per diem sums shall be paid in the same manner and from the funds of the county as prescribed by law.

Also:

H. 1134. Relating to Lee County board of registrars; providing for thirty dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

Also:

H. 1130. To change the name of the Town of Eagen in Geneva County to the name Town of Malvern and to extend the boundary lines and corporate limits of said municipality.

Also:

H. 1138. Relating to any county having a population of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census; providing further for the salaries of the probate judge, sheriff, revenue commissioner and the chairman of the county governing body of any such county.

Also:

H. 1128. To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

Also:

H. 1146. Providing for purging the lists of registered voters in Coffee County; requiring and prescribing the procedure for the purging and reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification and purging of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 86. To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammel or similar type net in that part

of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto and to prescribe penalties.

Also:

H. 1160. Relating to all counties having populations of not less than 26,725 nor more than 27,250 according to the 1970 or any subsequent federal decennial census; providing further for the costs and charges in criminal proceedings in any court in such counties.

Also:

H. 1161. To amend Section 1 of Act No. 898, H. 1390, 1975 Regular Session (Acts of 1975, p. 1760), entitled "Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county", so as to increase the clerk hire allowance.

Also:

H. 1163. To amend Section 1 of Act No. 286, H. 250, Regular Session 1965 (Acts of 1965, p. 399), as amended, which act regulates the compensation of county board of education members in certain counties based on population, so as to provide further for the compensation of such persons.

Also:

H. 1166. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of obtaining and working a gainful employment.

Also:

H. 1172. To amend and extend the town limits of Killen, Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 541. Relating to fire districts in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census; providing for payment of debts upon the annexation of

an entire fire district or a portion of a fire district by a municipal corporation in any such county.

Also:

H. 954. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census the bailiffs of any Inferior State or County Court now having two or more judges shall be compensated on a salary basis and to regulate the payment thereof.

Also:

H. 1042. Relating to all counties having a population of not less than 34,000 nor more than 34,800 according to the 1970 or any subsequent federal decennial census; to provide further for the fees of the coroner.

Also:

H. 1063. To provide for supplementing the salary or compensation paid to District Judges in Judicial Districts composed of one County, having not less than 38,100 population and not more than 40,500 population according to the 1970 or any subsequent Federal Decennial Census.

Also:

H. 1164. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing for the appointment of a deputy chief clerk in the office of the judge of probate in such counties; defining such clerk's duties and authority; requiring the filing of a bond; and prescribing that such appointment be made from persons presently employed in the probate office so as to require no additional expense to the county.

Also:

H. 1175. To increase the fee for a license to carry a pistol in all counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 1165. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent Federal decennial census; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Also:

H. 152. To further regulate the clerk hire allowance of the circuit clerk in all counties having populations of not less than 24,900 nor more than 25,150 according to the 1970 or any subsequent federal decennial census.

Also:

H. 618. Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to direct the county commission of all such counties to set up a county-wide water authority; to give the water authority certain powers; to direct such authority to assist in the development of certain community water systems; and to provide for the cooperation of such water authority with certain boards and offices.

Also:

H. 1167. Relating to all counties in this state having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to authorize the county commission to pay certain school, seminar and convention expenses incurred by the sheriff and deputies and certain investigation expenses incurred by the district attorney or sheriff and to prescribe procedure for making such payments.

Also:

H. 1162. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that witnesses may be subpoenaed by United States mail in such counties under certain conditions and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

Also:

H. 1159. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent decennial census; to provide that the governing bodies of such counties shall be given the authority to provide per diem allowance for full time law enforcement officers of county sheriff's departments while on duty and to authorize expenditure of funds for that purpose.

Also:

H. 170. To exempt the county law enforcement association from paying certain license fees for certain alcoholic malt beverages in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 1176. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; authorizing the probate judge in such counties to appoint deputy registrars in such counties for the purpose of registering voters therein; providing that the probate judge and county governing body shall fix the days, not to exceed thirty (30) per annum, the times and locations for the registration and the probate judge shall give advertised public notice thereof; providing that the cost for advertising shall be paid out of the county funds; and providing that such mileage allowance as now provided by law for registrars in such counties.

Also:

H. 1091. To amend Sections 1, 4 and 7 of Act No. 29 enacted at the 1970 Special Session of the Legislature of Alabama so as to provide that any district heretofore organized thereunder and having corporate power to own and operate a sewer system shall be authorized also to own and operate, in the service area in which it is authorized to render sewer service, a solid waste collection and disposal system without any amendment of its charter and without changing its name; so as to provide that the term "sewer system" as used in said Act No. 29 shall include a solid waste disposal system and so as, in effect, to authorize districts hereafter organized thereunder that have sewer powers also to own and operate solid waste disposal systems and to furnish solid waste collection and disposal services; and so as to permit any district organized thereunder that is empowered to provide fire protection service to provide such service directly or to contract with another to provide such service and to enter into all necessary contracts incidental thereto.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 287. To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143) which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Also:

H. 450. Relating to counties having populations of not less than 20,000 nor more than 70,000 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Also:

H. 602. Relating to Dallas County, to amend further Section 1, Act No. 11, S. 59, Regular Session 1959 (Acts 1959, p. 416), which act fixes the compensation of certain officers in said county, so as to provide further for the compensation of such officers.

Also:

H. 1107. To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

Also:

H. 1041. To amend Section 1 of Act No. 599, H. 1694, Regular Session of 1975 (Acts 1975, p. 1350) entitled "An Act to regulate further the fees of sheriffs in all counties of this state having populations of not less than 57,000 and not more than 61,000 according to the most recent federal decennial census" so as to provide further for such fees.

Also:

H. 938. Relating to Lauderdale County, amending Act No. 1616, H. 2004, Regular Session 1971 (Acts 1971, p. 2776), which Act authorizes the district attorney to hire a secretary and providing for the payment of such secretary, so as to provide further for the payment of such secretary.

Also:

H. 878. Further regulating the liquor traffic in Pike County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale in Pike County of "table wines," as herein defined and distinguished from "fortified wines," in manner similar to the procedure by which beer, malt or brewed beverages are now sold; levying a county tax on half-pints and miniatures of spirituous liquors and on table wines, the proceeds thereof to be used for capital outlay and maintenance purposes for schools in Pike County; and providing that this act shall be inoperative unless approved by a majority of the qualified electors of Pike County who vote thereon at a referendum.

Also:

H. 992. To authorize and provide for the incorporation in Marengo County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in said county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall

constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of said county, or of any municipality or political subdivision of the county; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation in the state, including license and excise taxes, levied by the state, any county, municipality, or political subdivision of the state; to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all taxation by the state; to exempt such authority from payment of certain charges to the judge of probate; to exempt any authority organized hereunder from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of said county or the municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the authorizing government; and to provide for the dissolution of any such authority and the disposition of its property.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILL RECONSIDERED

On motion of Mr. Perloff, the Senate reconsidered the vote by which the Bill, H. B. 247, was postponed until the next Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1260. To further amend Section 259 of Title 46 of the Code of Alabama of 1940, as amended, which statute relates to the State Board of Medical Examiners granting certificates of qualification to practice medicine, so as to suspend the application of parts (2) and (3) of subsection (b) with respect to certain applicants, and to limit the counties in which such person may practice.

Was read a third time at length and passed.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, Flipppo, King, Little, Littleton, Mims, Noonan, Owen, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop.

— 17

Nays:

— 0

The Bill:

H. 516. To amend Act No. 1163, H. 1829, 1973 Regular Session [Acts 1973, p. 1948; now appearing in Code of Alabama, Recompiled 1958, Title 13, Sections 522-534] known as the judicial retirement act; to allow prior service credit to certain judicial officers.

Was read a third time at length and passed.

Yeas 16; Nays 2.

Abstaining 1.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Flipppo, King, McMillan, Mims, Noonan, Owen, Powell, Roberts, St. John, Shelby, Vacca, Wilson.

— 16

Nays: Messrs. Baker, Stewart.

— 2

Abstaining: Mr. Torbert.

— 1

FURTHER CONSIDERATION OF H. B. 412

The Bill:

H. 412. To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permits.

was again taken up.

On motion of Mr. Fine, the Senate reconsidered the vote by which the Bill, H. B. 412, was ordered to its third reading.

Mr. Fine then offered the following amendment to the Bill, H. B. 412, to-wit:

AMENDMENT TO H. B. 412

Amend House Bill No. 412 Page 4 Line 16, by striking out the figure "\$100.00" after the word "Long" and insert the figure "\$5.00".

Also on line 33 strike out the figure "\$20.00" after the word "long" and insert the figure "\$5.00".

On motion of Mr. Fine, further consideration of the Bill, H. B. 412, and pending amendment, was postponed temporarily.

BILL RECONSIDERED

On motion of Mr. St. John, the Senate reconsidered the vote by which the Bill, H. B. 516, was passed.

On motion of Mr. St. John, further consideration of the Bill, H. B. 516, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

H. 243. To amend Act No. 343, H. 71, 1957 Regular Session, to provide further for competitive bidding on public contracts.

was taken up.

Mr. Torbert offered the following amendment to the Bill, H. B. 243, to-wit:

AMENDMENT TO H. B. 243

Amend House Bill No. 243 Page 5 Line 26, by striking out the words "three years" after the word "than" and inserting in lieu thereof the words "one year".

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

— 22

Nays:

— 0

Mr. Stewart offered the following amendment to the Bill, H. B. 243, as amended, to-wit:

AMENDMENT TO H. B. 243, AS AMENDED

Amend H. B. 243 by deleting the word "two thousand" and the figure "\$2000.00" wherever they appear and by inserting in lieu thereof the following: "one thousand" and the figure "(\$1000.00)" respectively.

On motion of Mr. McMillan, said amendment was laid on the table.

Yeas 20; Nays 5.

Yeas:

Messrs. Adams, Ellis, Fine, Gilmore, King, Little, Littleton, McDonald (A) McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Wilson.

— 20

Nays: Messrs. Baker, Bank, Flippo, Stewart, Torbert.

— 5

And said Bill, H. B. 243, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 3.

Yeas:

Messrs. Bank, Ellis, Fine, Flipppo, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Vacca, Wilson.

—20

Nays: Messrs. Baker, Stewart, Torbert.

—3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McCorquodale:

H. J. R. 361. MOURNING THE DEATH OF PHILIP EDWARD FRANK.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 361, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 53. Relating to state and county prisoners; to authorize the establishment of a joint state-county work-release program in any county of the state; to provide rules for establishment and operation of the program; to vest rule-making and administrative power in the board of corrections and county governing bodies; to provide for the disposition of inmates' wages; to authorize pass or leave programs; to provide for assignment and transfer of state prisoners for purposes of participation in the program; and to provide penalties for violation.

Also:

H. 234. Requiring that each parolee and probationer pay a portion of his monthly net earned income into the general fund of the state to offset the cost of his supervision and rehabilitation, excepting those cases determined by the board of pardons and parole to cause a hardship.

Also:

H. 167. To amend Act No. 651, H. 377, Regular Session 1975, which act provides retirement benefits for elected officials of certain munici-

palities on a population basis, so as to include certain past services as a basis for such officials to receive benefits under said act.

Also:

H. 480. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Also:

H. 774. To amend Section 413 of Title 37, Code of Alabama, as amended, so as to make the provisions thereof applicable to officers and managerial employees of such corporations holding franchises.

Also:

H. 428. Relating to cities having populations of not less than 60,000 nor more than 120,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the compensation of the members of the city board of education in such cities.

Also:

H. 917. Relating to all counties having a population of not less than 115,000 nor greater than 150,000 according to the 1970 or any subsequent federal decennial census; to provide for the fire protection of citizens of any such county outside of the limits of any municipality having a fire department.

Also:

H. 1208. To further provide for the eligibility for medicaid benefits for certain medicaid patients receiving medicaid payments who were eligible for benefits upon entrance to the medicaid program and to provide that the provisions of this act will apply retroactively.

JOHN W. PEMBERTON,
Clerk.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 133. RELATIVE TO CONGRATULATING THE DECATUR AMERICAN LEAGUE DIXIE YOUTH ALL-STAR UPON WINNING THE DIXIE YOUTH STATE CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 265. To create a commission called The Foreign Trade and Relations Commission; to prescribe the powers and duties of the commission; specifically to authorize the commission to accept and expend gifts, grants and donations; and to designate such gifts as gifts to the state and provide for their deduction when computing net income for state income tax purposes for the year in which they are given.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs. Bank, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Wilson.

—21

Nays:

—0

The Bill:

H. 497. To provide for a voluntary anatomical gift by executing a statement on state drivers' licenses and to require that a statement be provided for, for such voluntary gifts, on the reverse side of all issued drivers' licenses.

was taken up.

Mr. Ellis offered the following substitute for the Bill, H. B. 497, to-wit:

SUBSTITUTE FOR H. B. 497

A BILL
TO BE ENTITLED
AN ACT

To provide for a voluntary anatomical gift to be made by the holder of a valid Alabama driver license or non-driver identification card by executing a sworn affidavit to be filed with the Department of Public Safety; to provide for notice of intent to make a gift on the driver license or non-driver identification card of the donor; and to provide civil immunity to the officers and employees of the Department of Public Safety in carrying out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. A gift of all or part of the body may be made by the holder of a valid Alabama driver license or non-driver identification card by the execution of a sworn affidavit to be filed with the Department of Public Safety. Notice of intent to make a gift shall be noted on the driver license or non-driver identification card of the donor in a manner to be determined by the Department of Public Safety. The gift shall become effective on the death of the donor without any formal requirements of delivery.

The affidavit shall be signed by the holder of the driver license or non-driver identification card in the presence of two witnesses who shall acknowledge the affidavit in the presence of the donor.

The gift shall become invalidated upon the expiration, cancellation, revocation or suspension of a driver license or non-driver identification card.

The gift shall not become invalidated if the driver license or non-driver identification card is properly renewed before the expiration date.

Section 2. The officers and employees of the Department of Public Safety shall be immune from any civil liability from any acts or omissions in carrying out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—22

Nays:

—0

And said Bill, H. B. 497, as thus amended by the subbstitute, was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—21

Nays:

—0

The Bill:

H. 55. To provide that any mortician, undertaker, embalmer, or funeral director, who is duly licensed may, after satisfactory ophthalmologic training, be issued a license to enucleate donor eyes; to authorize the state board of embalmers to establish certain standards and regulations to effect the provisions hereof; and to require that any such

licensee comply with the applicable provisions of the "Alabama Uniform Anatomical Gift Act."

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—23

Nays:

—0

The Bill:

H. 12. To reduce certain appropriations heretofore made to the Department of Public Safety which were to be used for other expenses and to transfer an amount equal to the sum of all such reductions to the Department of Public Safety to be used for overtime for state troopers.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 982. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration, and providing penalties for the violation thereof.

Also:

H. 667. Relating to eligibility requirements for medical assistance from the State of Alabama including but not limited to nursing home patients; imposing criminal penalties for any one who divests himself or initiates, procures, induces, aids, abets, or advises another to divest himself of assets for the purpose of meeting eligibility requirements for medical assistance.

Also:

H. 668. To provide that all persons eligible to receive medicaid shall pay the sum of one dollar (\$1.00) for each visit as a co-payment for medical services provided by a physician under the medicaid program.

Also:

H. 896. To provide for the transfer of certain parts of the Fort Morgan Military Reservation to the Alabama Historical Commission; to reaffirm the rights of the department of conservation in other parts of such reservation; to provide for the continued operation of Fort Morgan as a recreational park; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780).

Also:

H. 580. To name a new building which is presently under construction at Douglas MacArthur State Technical College for Bennie Frank Foreman.

Also:

H. 576. To provide for and authorize the sale and issuance of general obligation bonds of the state in aggregate principal amount not exceeding \$25,000,000, the proceeds of which are to be expended by the Tombigbee Valley Development Authority in fulfilling the requirements of local contribution, participation and cooperation on the part of the state established by the United States in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; to make provisions for the sale, execution and issuance of the said bonds; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the said bonds; to provide that the said bonds and the income therefrom shall be exempt from taxation; and to authorize and direct the State Treasurer to pay the principal of and interest on the said bonds from any available funds of the state.

Also:

H. 953. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Also:

H. 1213. To provide further for the operation of the board of registrars in Morgan County.

Also:

H. 1087. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the fee for issuance of a pistol permit by the sheriff and providing for the collection, distribution and use of such fees.

Also:

H. 766. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any succeeding federal decennial census; amending Section 6.07 of Act No. 618, H. 796 of the 1973 Regular Session, (Acts 1973, Vol. II, p. 879),

as amended, which act pertains to the mayor-council form of government, so as to include purchase of labor, services, work and lease agreements in the responsibility of the purchasing agent in the department of finance.

Also:

H. 594. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, page 298) which creates and establishes the county-wide Civil Service System in Mobile County, so as to increase the membership of the Personnel Board and provide districts from which members are to be selected; and to provide for equal opportunity within such system.

Also:

H. 765. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any succeeding federal decennial census; amending Section 3.18 of Act No. 618, H. 796 of the 1973 Regular Session (Acts 1973, Vol. II, p. 879) as amended, which act pertains to the mayor-council form of government, so as to provide that examination of the books and accounts of the city shall not be made more than two years in succession by the same accountant.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 127. To provide that full-time employees and executive officers of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs. Baker, Ellis, Fine, Flippo, Gilmore, Little, Littleton, Mims, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

— 19

Nays:

— 0

The Bill:

H. 464. To regulate further the rates to be charged for publication of legal notices by amending further Code of Alabama 1940, Title 7, Section 718, as amended; and by amending further Act No. 793, S. 117, Regular Session 1953 (Acts 1953, p. 1086), as amended.

Was read a third time at length and passed.

Yeas 18; Nays 3.

Abstaining 1.

Yeas:

Messrs. Clemon, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Roberts, St. John, Vacca, Waldrop.

— 18

Nays: Messrs. Baker, Edwards, Stewart.

— 3

Abstaining: Mr. Torbert.

— 1

The Bill:

H. 942. To amend Code of Alabama 1940, Title 40, Section 1 and Act No. 431, S. 155, Regular Session 1943, [Acts 1943, p. 400, now appearing in Code of Alabama, Recompiled 1958, Title 40, Section 21], entitled "An Act To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal," as amended, to require the probate judge, upon issuance of a notary public commission, to report such to the secretary of state.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), Mitchell, Noonan, Owen, Perloff, Roberts, St. John, Stewart, Vacca.

— 20

Nays:

— 0

The Bill:

H. 276. To provide for the conservation, management, enhancement and protection of marine mammals; to provide enforcement authority and penalties for violation of this Act.

Was read a third time at length and passed.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, Mims, Mitchell, Owen, Pearson, Perloff, St. John, Stewart.

— 17

Nays:

— 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 124. RELATIVE TO THE CODE OF ALABAMA 1940, RECOMPILED 1958.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 434. Relating to Madison County, authorizing the county governing body to pay Mr. Stanley Stafford of Madison County, Alabama, up to the sum of \$25,033.65 in full settlement as compensation for personal injuries of Mr. Stafford pursuant to a motor vehicle collision which occurred on December 13, 1973 in Madison County.

Also:

H. 574. To amend Section 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) entitled "An Act Establishing the Historic Chattahoochee Commission as a state agency to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; prescribing the authority, powers, duties and functions of the commission and its members, officers and committees; and making an appropriation therefor", so as to change the number and manner of appointment of members of the commission.

Also:

H. 158. To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow certain circuit court judges to assign cases to district court judges.

Also:

H. 764. To make it unlawful for any person in State government, elected or appointed, to present or prepare any false budget or fiscal information for the legislature knowing the same to be false, and providing for penalties for the violation of the provisions of this act.

Also:

H. 687. Relating to counties having populations of not less than 115,000 nor more than 150,000, according to the 1970 or any subsequent federal decennial census; to fix the salaries of the chairman and associate members of the county governing body of any county to which this act applies and of the mayor and each associate commissioner of the municipal governing body of the largest municipality therein; and to prescribe the effective date of this act.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 840. To amend Section 3 of Act No. 551, H. 321, 1967 Regular Session [Acts of 1967, p. 1300; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 332(3)], entitled "To create and establish the Alabama Council on the arts; to provide for the appointment of its members, their qualifications, terms, duties, authority and making an appropriation therefor"; so as to change the composition of the membership and the terms of office of such council.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Vacca.

— 22

Nays:

— 0

The Bill:

H. 1272. To require Jackson County to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

was taken up.

Mr. Baker offered the following substitute for the Bill, H. B. 1272, to-wit:

SUBSTITUTE FOR H. B. 1272

A BILL
TO BE ENTITLED
AN ACT

To authorize Jackson County to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Be It Enacted by the Legislature of Alabama:

Section 1. This law is enacted so that Jackson County may be provided an acceptable civil service merit system governing the appointment, removal, salaries, tenure and official conduct of its law enforcement officers.

Section 2. As used in this act, the following words and terms shall, unless the context requires a different interpretation, have the meaning hereby respectively ascribed to them: "law enforcement officer" means and includes a policeman, policewoman, deputy sheriff, and other official who has authority to make arrests, and who are employed by Jackson County as a permanent and regular employee for and subject to law enforcement duties, but it does not include any person elected by popular

vote. "Civil service merit system" means a civil service merit system which is approved by the Jackson County governing body.

Section 3. The Jackson County governing body may establish separately or jointly, a civil service merit system governing the appointment, removal, salaries, tenure and official conduct of any or all county law enforcement officers. Nothing contained herein shall be construed to prohibit the county governing body from establishing the salaries of the law enforcement officers in said county.

Section 4. Each law enforcement officer in the civil service of said county shall upon the effective date of such agreement be classified to the nearest classification of their present work assignment, location and pay. Said governing body may exclude the chief deputy or any other officers from the force and effect of the merit system.

Section 5. Every such agreement with the state director of personnel to furnish such services and facilities of the state personnel department to such counties shall provide for the reimbursement to the state of the reasonable cost of the services and facilities furnished as determined by the state director of personnel. Funds obtained as reimbursement for such services shall be deposited into the accounts of the state personnel department and may be expended to help defray the expenses of said department.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Baker offered the following amendment to the substitute for the Bill, H. B. 1272, to-wit:

AMENDMENT TO SUBSTITUTE FOR HOUSE BILL 1272

Amend the substitute for House Bill 1272 on page 2, line 25, by inserting after present Section 4 a new section as follows:

"Section 5. The county governing body of Jackson County may contract with the state personnel board for the state personnel board to furnish the services and facilities to such county in the administration of its law enforcement officers on merit principles."

and by renumbering all succeeding sections accordingly.

Which was adopted.

And substitute, as thus amended, for the Bill, H. B. 1272, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King,

Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, H. B. 1272, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 75. To re-divide the state into judicial circuits so as to create a thirty-ninth judicial circuit consisting of that part of Jefferson County known as the "Bessemer Cut-off"; and to provide for the judgeships in such circuit and for the office of district attorney therein.

was taken up.

Mr. Gilmore offered the following amendment to the Bill, H. B. 75, to-wit:

AMENDMENT TO H. B. 75

Strike out in its entirety Section 7, page 5, lines 24 and 25 and insert in lieu thereof the following:

Section 7. It is specifically provided that nothing in this act shall repeal any law or part thereof providing for a branch office system in Jefferson County, except such laws as provide for a Bessemer Division of the Circuit Court of the Tenth Judicial Circuit; and to this end this act shall be construed in *pari materia* with all such laws. Nevertheless all laws or parts of laws in direct conflict herewith are hereby repealed.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby.

—20

Nays:

—0

And said Bill, H. B. 75, as thus amended, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Powell, Roberts, St. John.

—18

Nays:

—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 149. **RESOLVED BY THE SENATE**, That the following bill shall be the paramount and continuing order of business, upon reaching bills on Third Reading, for the 30th Legislative Day:

Bill No.	Page No.	Description
H. 850	62	Nursing homes

Mr. Flippo offered the following substitute for the Resolution, S. R. 149, to-wit:

SUBSTITUTE FOR S. R. 149

RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, upon reaching bills on Third Reading, for the 30th Legislative Day:

Bill No.	Page No.	Description
H. 154	16	Displaying exhibits
H. 753	48	Chiropractic Examiners
H. 99	27	Swine diseases
H. 131	39	State Capitol
H. 247	31	Podiatry
H. 52	52	Agriculture Center Board
H. 778	54	Nurses—scholarships
H. 968	54	Nurses—appropriation
H. 45	60	Board of Corrections
H. 165	60	Water systems
H. 904	62	Waterworks systems
H. 330	14	Miles College
H. 524	32	Clerk of House
H. 119	16	Board of Cosmetology
H. 115	13	State Board of Education

H. 171	9	Acknowledgment
H. 213	29	Tuskegee Institute appropriation
H. 214	29	Talladega College appropriation
H. 211	28	Walker College appropriation
H. 212	28	Marion Institute appropriation
H. 215	30	Lyman Ward appropriation

Mr. Pearson moved that said substitute be laid on the table, which motion was lost.

Yeas 10; Nays 12.

Yeas:

Messrs. Baker, Bank, Ellis, Little, Mims, Mitchell, Owen, Pearson, Stewart, Waldrop.

— 10

Nays:

Messrs. Adams, Edwards, Flippo, Gilmore, Littleton, McDonald (A), Perloff, Powell, Roberts, St. John, Torbert, Vacca.

— 12

Mr. Baker offered the following amendment to the substitute for the Resolution, S. R. 149, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. R. 149

Amend Senate Resolution No. 149, by inserting at the top of the order

H. B. 456 bid law

H. B. 457 bid law

On motion of Mr. Roberts, said amendment was laid on the table.

Yeas 23; Nays 7.

Yeas:

Messrs. Bank, Clemon, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

— 23

Nays:

Messrs. Adams, Baker, Edwards, Fine, Mims, Mitchell, Torbert.

— 7

Mr. Fine offered the following amendment to the substitute for the Resolution, S. R. 149, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. R. 149

Amend substitute for Senate Resolution No. 149 by inserting at the bottom of the order the following:

H. B. 850 page 62

Mr. Baker moved that said amendment be laid on the table, which motion was lost.

Yeas 4; Nays 24.

Yeas: Messrs. Baker, Edwards, Flippo, McDonald (A).

—4

Nays:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Jones, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—24

And said amendment was then adopted by the Senate.

Mr. Baker offered the following amendment to the substitute, as amended, for the Resolution, S. R. 149, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. R. 149

Amend Flippo substitute, as amended, for S. R. 149, by deleting all bills except

H. B. 213.

H. B. 214.

H. B. 211.

H. B. 212.

H. B. 215.

H. B. 456.

H. B. 457.

On motion of Mr. Fine, said amendment was laid on the table.

And the substitute, as thus amended, for the Resolution, S. R. 149, was then adopted by the Senate.

And the Resolution, S. R. 149, as thus amended by the substitute, was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Boles, Tucker, Hall, Jolly, Falkenburg, Gafford, Trammell, Waggoner, Biddle, Andrews, Jackson (R), Harrison, Leonard, Hilliard, Porter, McNair, White, Moore (O), Armstrong and Howard:

H. J. R. 370. COMMENDING AND PRAISING THE GREATER HUEYTOWN ALL-STARs OF THE DIZZY DEAN LEAGUE FOR REPRESENTING ALABAMA AND WINNING THE WORLD SERIES AT HATTIESBURG, MISSISSIPPI, ON JULY 31, 1976.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 370, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 554. To provide a supplemental salary for each elected deputy circuit clerk.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Boles, Tucker, Hall, Ford, Starkey, Taylor, Mitchem, Weeks, Kelley, Rich, Goodwin, McNees and McNair:

H. J. R. 371. CONGRATULATING OUR DISTINGUISHED COLLEAGUE, JOE BRINDLEY, UPON RECEIVING HIS Ph. D. DEGREE FROM THE UNIVERSITY OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 371, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 263. Relating to DeKalb County; to provide for the salary of certain officials of said county.

Also:

S. 463. To provide further for the compensation of the judge of the district court having jurisdiction of Crenshaw County; to authorize and empower, but not to require, the county commission or other governing body of Crenshaw County to pay to such judge a supplemental salary.

Also:

S. 647. Amending Act No. 494, S. 927 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1207), relating to the issuance of pistol permits by the sheriffs in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to increase the fee and provide for the distribution and use of such fees.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 397. To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman Building.

Also:

S. 666. To provide that the Occupational-Education Building at Gadsden State Junior College be named the Bevill Occupation-Education Building.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 912. To require that funds appropriated for instructional supplies and materials in Act 129, 1975 Fourth Special Session be released to school systems which collected fees prior to the date of enactment of Act 129 on November 18, 1975; and that after the date of enactment, if fees were collected, a system's allocation be reduced only by the amount of the fees collected.

Also:

H. 105. To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and prescribing rates and exclusions therefrom, providing for the issuance of a utility license and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the

proceeds from such tax; deleting the words "other than by a municipality or other municipal entity organized by a municipality" from the definition of "Utility Services" in Section 1, and by adding a new Section (h) to Section 5.

Also:

H. 1020. To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) so as to increase the expense allowance of members of the State Board of Education from \$100 to \$200 per month.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 554. To provide a supplemental salary for each elected deputy circuit clerk.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 764. To make it unlawful for any person in State government, elected or appointed, to present or prepare any false budget or fiscal information for the legislature knowing the same to be false, and providing for penalties for the violation of the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 158. To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow certain circuit court judges to assign cases to district court judges.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 238. To revise, amend and reenact Act No. 58, S. 13, 1975 Second Special Session (Acts 1975, p. 185), which relates to prison sentences providing credit toward a sentence for time spent incarcerated pending trial so as to make such act applicable to any prisoner incarcerated on the effective date of this act.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Little, Littleton, McDonald (A), Mitchell, Noonan, Owen, Pearson, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

— 22

Nays:

— 0

The Bill:

H. 258. To amend Section 8-102 of Act No. 549, S. 2. Regular Session 1965, (an Act known as the Uniform Commercial Code) so as to change the definition of "clearing corporation" contained in said Section 8-102.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), Mims, Mitchell, Owen, Pearson, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

— 22

Nays:

— 0

Abstaining: Mr. Noonan.

— 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 673. Relating to Crenshaw County; regulating and providing for the payment of compensation of election officers.

Also:

S. 675. Relating to Cherokee County; to make it unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides; prescribing penalties.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 259. Authorizing banks and trust companies holding treasury securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit, with the federal reserve bank in its district of such treasury securities to be credited to one or more accounts on the books of said federal reserve bank in the name of such bank to be designated trust or other accounts in accordance with rules and regulations of the federal reserve bank, to which similar treasury securities deposited by the bank for other fiduciary accounts may be credited; providing that ownership of, or interest in, such treasury securities may be transferred by entries on the books of said federal reserve bank without physical delivery thereof; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; and prescribing the conditions upon which treasury securities may be so deposited.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, King, Little,

Littleton, McDonald (A), Mims, Mitchell, Owen, Pearson, Perloff, Roberts, Shelby, Torbert, Vacca, Wilson.

—21

Nays:

—0

The Bill:

H. 769. To amend Sections 1, 6, 7, 8 and 11 of Act No. 342, S. 201, of the 1967 Regular Session of the Legislature of Alabama entitled "To amend further Act No. 565 enacted at the Regular Session of the Legislature of Alabama of 1943, entitled 'An Act To authorize the establishment and maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervision thereof; to repeal all laws and parts of laws inconsistent and in conflict with the provisions of this Act, and for other purposes,' as said Act has heretofore been amended by Act No. 262 enacted at the Regular Session of the Legislature of Alabama of 1949 and by Act No. 112 enacted at the Regular Session of the Legislature of Alabama of 1953" so as to authorize the investment by an affiliated trust institution acting as a fiduciary or co-fiduciary in a common trust fund maintained by another affiliated trust institution.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Jones, King, Littleton, McDonald (A), Mims, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—23

Nays:

—0

The Bill:

H. 219. Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 219, to-wit:

COMMITTEE AMENDMENT TO H. B. 219

Amend Section 3 of H. B. 219 by deleting the word "four" and the figure "\$(.04)" wherever they appear in said Section 3 and substituting in lieu thereof the word "two" and the figure "\$(.02)".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, H. B. 219, as amended, to-wit:

COMMITTEE AMENDMENT TO H. B. 219, AS AMENDED

Amend Section 10 of H. B. 219 by deleting said Section 10 and adding a new Section 10 to read as follows:

Section 10. The proceeds of the tax required by this act shall be deposited within thirty (30) days after receipt thereof in a special fund to be called the Mass Transit Contingency Fund, such deposit to be allocated between and credited to the county and to each municipality therein on the basis of the ratio of the population of the unincorporated territory in the county and each of the various municipalities bears to the total county population according to the most recent Federal census, and shall be paid forthwith from such fund to any public transit authority organized under the provisions of Act No. 933 enacted in the 1971 Regular Session of the Legislature of Alabama as amended, or under the authority of other laws adopted by the Legislature of Alabama, which, during the preceding month operated public mass transit by bus, rail, monorail, or otherwise, within any such municipality or unincorporated territory of any such county. Proceeds of the tax deposited in the Mass Transit Contingency Fund and credited to each municipality or the total unincorporated territory in the county which did not receive service during the preceding month from any such public transit authority, shall be paid forthwith from such fund to each such municipal or county general fund. Provided however, the proceeds of the tax credited to the unincorporated territory in the county shall be apportioned as follows: One-half of said tax shall be paid to any public transit authority as defined above. The remaining one-half shall be paid to the county general fund until at least three-fourths of the municipalities in such county are served by such transit authority. Upon three-fourths of such municipalities being served then the remaining one-half of said tax shall be paid to any public transit authority as defined above."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

Mr. Pearson offered the following amendment to the Bill, H. B. 219, as amended, to-wit:

AMENDMENT TO H. B. 219, AS AMENDED

In the title, on line 14, and in Section 1, on line 22, strike the words “most recent” and insert in lieu thereof the words

1970 or any subsequent

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

Mr. Ellis offered the following amendment to the Bill, H. B. 219, as amended, to-wit:

AMENDMENT TO H. B. 219, AS AMENDED

Amend H. B. 219 on page 12 by inserting a new Section 13 and renumbering remaining sections:

Section 13. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of any such county who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next general election of state and county officers next following final passage of this act. Notice of the election shall be given by the judge of probate of any such county, which notice shall be published once a week for three successive weeks before the day of the election.

On motion of Mr. Wilson, said amendment was laid on the table.

And said Bill, H. B. 219, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 5.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, St. John, Shelby, Waldrop, Wilson.

—20

Nays:

Messrs. Ellis, Gilmore, Littleton, Torbert, Vacca.

—5

The Bill:

H. 1181. To regulate further the issuance and execution of search warrants and authorizing the execution of search warrants at any time of the day or night, based on probable cause, in connection with the enforcement of laws relative to narcotics and controlled substances in circuits composed of one county and having not less than five nor more than seven circuit judges.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 154. To amend Section 1 of Act No. 863, H. 1061, 1965 Regular Session (Acts of 1965, p. 1605), entitled "To provide facilities for displaying certain exhibits in cooperation with the Department of The Army and the National Aeronautics and Space Administration; creating the Alabama Space Science Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes," so as to enlarge the mission of the Alabama Space and Rocket Center to include the collection and dissemination of energy related activities, including research and development.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Perloff, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop.

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 691. Relating to Pickens County; to increase the salary of members of the Pickens County Commission to \$450 a month.

Also:

S. 727. Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; providing that the county governing body shall loan the dog racing commission in such counties the sum of \$10,000 from the county treasury for official commission business expenses until the operation of the race track begins to generate revenues.

Also:

S. 728. Providing a supplement to the salary of the circuit judge of the twenty-fourth judicial circuit to be paid in equal parts by the counties composing the circuit.

Also:

S. 735. To amend Act No. 133, H. 86, First Special Session 1971 (Acts 1971, p. 214), which act provides for a clerk for the probate judge in counties having populations of not less than 12,700 nor more than 13,100 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the salaries of such clerks.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 402. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

was taken up.

The Standing Committee on Rules reported the following amendment to the Bill, H. B. 402, to-wit:

COMMITTEE AMENDMENT TO H. B. 402

Amend H. B. 402 as follows:

In the amended Section 4 on line 24, after the word "accident," strike the comma and insert in lieu thereof a period and delete the remainder of the section which reads:

"provided, however, that the minimum limits of coverage for bodily injury or death required for uninsured motorist coverage under the Uninsured Motorist Act shall be \$15,000.00 because of injury to or death to one person in any one accident and \$30,000.00 because of injury to or death of two or more persons in any one accident, and the total limits of

liability for all policies for any one occurrence shall be limited to \$15,000.00 because of injury to or death to one person and \$30,000.00 because of injury to or death of two or more persons. All payments to the insured under any workmen's compensation law exclusive of non-occupational disability benefits, may be deducted from the amount of payment under uninsured motorist coverage."

Which was adopted.

Yeas 17; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Littleton, McDonald (A), Mims, Owen, Pearson, Perloff, Powell, Stewart, Vacca, Waldrop.

— 17

Nay: Mr. King.

— 1

On motion of Mr. Fine, further consideration of the Bill, H. B. 402, as amended, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 653. Amending Section 1 of Act No. 488, S. 920 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1204), relating to the boards of equalization in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to change the amount of the county per diem supplement.

Also:

S. 667. Relating to Cherokee County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county, and providing for the disposition of the proceeds of the sale thereof.

Also:

S. 668. Amending Section 1 of Act No. 492, S. 924 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1206), relating to the jury commission in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to change the amount of the county per diem payable from the county general funds.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Mitchem:

H. J. R. 367. MOURNING THE DEATH OF DAN DENDY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 367, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Drake and Sparks:

H. J. R. 322. NAMING THE NEW ROAD CONNECTING U. S. HIGHWAY 31 AND CULLMAN COUNTY ROAD 26 THE ROLAND "RACEHORSE" JOHNSON PARKWAY.

WHEREAS Roland "Racehorse" Johnson, so nicknamed for his strong penchant for running spirited political races, is one of Garden City and Cullman County's most accomplished citizens and certainly one of its favorite sons; and

WHEREAS Roland Johnson has served three highly successful terms as the chief executive of Garden City and in those twelve years under Mayor Johnson's leadership the city has enjoyed steadily improving streets, roads and public buildings, testimonials of which are the recently dedicated town hall and the soon to be completed overpass within the corporate limits; and

WHEREAS Mayor Johnson is widely known as a songwriter and performer, being a former member of the Strawberry Pickers Band which accompanied former governor Big Jim Folsom in two gubernatorial campaigns, and worked alongside future Governor George C. Wallace to help elect Folsom in 1954; and

WHEREAS Roland Johnson has also appeared as a recording artist on the Decca label, and has written and performed many notable songs such as "Play Them Bones" with the Francis Craig Orchestra, "Cornbread and Buttermilk Made Me What I Am," and his greatest hit "I Traded Her Love for Deep Purple Wine;" and

WHEREAS Roland Johnson demonstrated that he is athletically as well as politically and musically talented when he played professional baseball in the Brooklyn Dodgers system, assigned to the Mobile Area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of his many accomplishments and as a token of the esteem in which Roland Johnson is held by his fellow citizens, the section of newly constructed road connecting U. S. Highway 31 with Cullman County Road 26 at Garden City is hereby designated the "Roland 'Racehorse' Johnson Parkway."

BE IT FURTHER RESOLVED That the State Highway Department is authorized and directed to erect appropriate road signs along the parkway named herein.

RESOLVED FURTHER That copies of this resolution be sent to Mayor Roland Johnson.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 322, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 651. To de-annex a certain piece of land from within the corporate limits of Gulf Shores, Baldwin County, Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 2. To amend Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351) so as to permit certain establishments in counties, having populations of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, to extend the legal hours for selling table wine.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 2, and containing suggested Executive Amendments.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 16th day of August, 1976.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill Number 2, without my signature and approval, and with the following suggested Executive Amendments.

It is suggested that you amend the title of House Bill Number 2 by striking, on line 16, the words "most recent", and inserting in lieu thereof the following: 1970 or any subsequent.

It is further suggested that you amend House Bill Number 2 by deleting in Section 10 the words, "12:00 p.m." and "9:00 p.m.", and inserting in lieu thereof the words, "9:00 a.m." and "12:00 p.m."

The adoption of the above and foregoing Executive Amendments will remove my objections to this bill.

Respectfully,
GEORGE C. WALLACE,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 2, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 68, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 71, Nays 1.

And said Bill, H. 2, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Perloff, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 2,

the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 753. To make an additional appropriation to the Alabama State Board of Chiropractic Examiners for the fiscal year ending September 30, 1976.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, Little, Littleton, Mims, Noonan, Owen, Pearson, Powell, St. John, Shelby, Vacca, Waldrop.

—20

Nays:

—0

The Bill:

H. 99. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1977, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Perloff, Powell, St. John, Shelby, Stewart, Vacca, Waldrop.

—21

Nays:

—0

The Bill:

H. 131. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

was taken up.

Mr. Mims offered the following amendment to the Bill, H. B. 131, to-wit:

AMENDMENT TO H. B. 131

Amend House Bill 131 by adding a new section 5 to read as follows and to renumber all subsequent paragraphs:

“Nothing in this act shall be construed as to supersede any authority of the State Building Commission and, if so, that portion is expressly repealed.”

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Wilson.

—19

Nays:

—0

And said Bill, H. B. 131, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Shelby, Waldrop, Wilson.

—23

Nays:

—0

REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 208. CREATING THE ELMORE COUNTY GOVERNMENTAL STUDY COMMISSION ON REDISTRICTING AND OTHER COUNTY GOVERNMENT FUNCTIONS.

On motion of Mr. Powell, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 497. To provide for a supplemental salary for the circuit judges of the Thirtieth Judicial Circuit, to be paid equally by the counties comprising such circuit; and to fix the amount and method of payment thereof.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. Flippo offered the following Senate Joint Resolution, to-wit:

S. J. R. 150. COMMENDING THE MUSCLE SHOALS MUSIC INDUSTRY FOR BRINGING WORLDWIDE ATTENTION TO THE AREA.

WHEREAS, sixteen years ago two young songwriters, Rick Hall and Billy Sherrill, opened a small studio over the City Drug Store in Florence to begin FAME Recordings and the Muscle Shoals sound; and

WHEREAS, this small start brought others to record in the tri-cities area, and included local talent in their recordings; and

WHEREAS, large recording studios came to Muscle Shoals to exploit the talents of its artists, songwriters, musicians and producers, bringing such stars as Wilson Pickett, Aretha Franklin, the Osmonds, Mac Davis, the Rolling Stones, Paul Simon, Rod Stewart, Lynard Skynard, and Hank Williams, Jr.; and

WHEREAS, Muscle Shoals became a place to break into the recording industry and to bring a new spark in a slipping career, such as Paul Anka, who had not had a hit in fourteen years until recording at Muscle Shoals; and

WHEREAS, multi-million dollar recording facilities are now springing up in the cotton fields in the area and have made the Muscle Shoals area the number one hit recording capital of the world; and

WHEREAS, The Muscle Shoals music industry has garnered many awards and much recognition since its inception; and in 1972, Rick Hall was selected by Billboard Magazine as the number one record producer in the world and in 1974 was nominated for a Grammy Award as "Record Producer of the Year"; and in 1973, Jimmy Johnson, Roger Hawkins, Barry Beckett, and David Hood, the owners of Muscle Shoals Sound Studios were Grammy Nominees along with Paul Simon, for "Record Album of the Year"; and many, many gold records have been awarded to local studios and producers for producing the best known acts in the world; and

WHEREAS, the Muscle Shoals Music Association was organized to bring worldwide attention to the Muscle Shoals Sound and to support the anti-tape piracy bill passed by the Alabama legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Muscle Shoals Music Industry for bringing worldwide attention to the area.

BE IT RESOLVED FURTHER, That we urge the Governor to proclaim the first week in October as "Music Industry Week" for the state.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Rick Hall, President of the Muscle Shoals Music Industry.

On motion of Mr. Flippo, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 247. Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services performed by podiatrists under this Act.

Was read a third time at length and passed.

Yeas 23; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Torbert, Waldrop, Wilson.

—23

Nays: Messrs. Gilmore, McMillan.

—2

The Bill:

H. 220. To further amend Act No. 1122, S. 408, Legislature of 1969, Regular Session, (Acts of Alabama of 1969 and 1970, Vol. III, p. 2077), as last amended, which relates to State aid for the promotion of agriculture and agricultural fairs for prizes and premium awards from funds appropriated to the Agricultural Center Board for such purposes; amend Section 9 and Section 13, as amended, of said Act No. 1122 of the Legislature of 1969 (Regular Session) relating to the amount of administrative expenses authorized to be expended by the Agricultural Center Board for administration of said Act and the maximum annual per diem and travel allowance of the Special Awards Committee for Fairs.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—23

Nays:

—0

POINT OF PERSONAL PRIVILEGE

Mr. Ellis stated that had he been present in the Senate Chamber when the Bill, H. B. 154, was passed, he would have voted "Aye".

BILLS ON THIRD READING RESUMED

The Bill:

H. 968. To authorize and direct the Alabama Board of Nursing, to promote continuing education for nurses and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 968, to-wit:

COMMITTEE AMENDMENT TO H. B. 968

Amend H. 968, page 1 line 19 by inserting in the title, on the next line after the words "An Act" the following language:

To authorize and direct the Alabama Board of Nursing to develop, implement and conduct continuing education programs for nurses; and for such purposes to make an appropriation to the board.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Wilson.

— 23

Nays:

— 0

And said Bill, H. B. 968, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Little, Littleton, McDonald (A), Mims, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Stewart, Waldrop.

— 19

Nays:

— 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 1107. To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 1107, and containing a suggested Executive Amendment.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 16th day of August, 1976.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill Number 1107, without my signature and approval, and with the following suggested Executive Amendment.

It is suggested that you amend House Bill Number 1107 by deleting in Section 3 the word, "compensation", and inserting in lieu thereof the word, "selection".

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this bill.

Respectfully,
GEORGE C. WALLACE,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 1107, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 52, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 61, Nays 0.

And said Bill, H. 1107, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Littleton, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1107, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

Nays:

— 0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 676. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation and expense allowance of the tax assessor and the tax collector in such counties.

Also:

S. 677. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in such counties.

Also:

S. 678. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the chairman of the county governing body; providing for the compensation of associate commissioners of the county governing body; regulating the travel allowance for out of county travel for all members of the county governing body; and setting the times of meetings for the commissioners.

Also:

S. 679. Repealing Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. 1, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties

having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census."

Also:

S. 681. Altering, re-arranging and extending the corporate limits of the Town of Fyffe.

Also:

S. 690. Relating to counties having populations of not less than 41,750 nor more than 45,000, according to the 1970 or any subsequent federal decennial census; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

Also:

S. 700. Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members.

Also:

S. 702. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; setting the salary of the probate judge, sheriff, tax assessor and tax collector.

Also:

S. 703. Relating to Marshall County; providing for clerk-hire allowances for certain county offices.

Also:

S. 704. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; providing a salary supplement allowance for the register of the circuit court.

Also:

S. 705. Relating to Marshall County, Alabama: levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Marshall County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; providing that this Act be severable; and providing for the effective date hereof.

Also:

S. 711. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent

federal decennial census; relieving the board of registrars in such counties from the duty to meet on any official national, state or county holiday.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Sonnier:

H. J. R. 378. RECREATING A SELECT COMMITTEE TO STUDY THE BEST METHOD OF UTILIZING THE NATURAL RESOURCES OF SOUTHWEST ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a joint select committee to study the feasibility of:

1. Establishing a ferry service between Fort Morgan and Dauphin Island that would be capable of transporting automobiles across the mouth of Mobile Bay.
2. Constructing a fishing pier at Fort Morgan.
3. Expanding the road between Mobile and Dauphin Island to four lanes.

Such committee shall be composed of three members of the Senate and four members of the House to be appointed by the presiding officer of their respective houses. The members of the committee shall choose among themselves a chairman and a vice-chairman.

The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1977 Regular Session; whereupon the committee shall be dissolved. The committee shall be limited to 10 meeting days or \$3,000.00 expenditure, whichever comes first. Each member shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee. The committee is authorized to hire experts as are deemed necessary to accomplish the purpose for which this committee is established. Such sums shall be paid on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 378, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 459. Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census; to provide for the compensation of circuit court bailiffs in such counties; to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wilson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 459, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 459

In the title on line 14, and in Section 1, line 20, strike the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 458. Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census; to provide for an expense allowance for the coroner in such counties; to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wilson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 458, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 458

In the title, on line 14, and in Section 1, line 20, strike the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Andrews:

H. J. R. 356. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE UP-GRADING OF ALABAMA'S INSURANCE LAWS AND REGULATIONS, AND THE NEEDS OF THE STATE INSURANCE DEPARTMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the up-grading of Alabama's Insurance laws and regulations, and the needs of the State Insurance Department. The committee shall be composed of three (3) members of the House, to be appointed by the Speaker, and two (2) members of the Senate to be appointed by the Lt. Governor. The chairman of the House Insurance Committee shall be the chairman of the said Joint Interim Committee.

The committee shall meet upon the call of the chairman but shall not meet for more than 15 days. The amount of \$3750.00 is hereby allocated from Legislative funds to carry out the purposes of this Resolution.

Each member of the committee shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he/she attends a meeting of the committee. Such amount shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller on requisitions signed by the committee chairman.

The committee shall be dissolved on the third legislative day of the next regular session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 356, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 457. Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wilson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 457, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 457

In the title on line 14, and in Section 1, on line 20, strike the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

— 25

Nays:

— 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 524. Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Roberts, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 524, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 524

In the title, on line 15, and in Section 1, line 23, strike the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Perloff, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 431. Relating to counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census; providing further for the compensation of the boards of equalization in such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bank, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 431, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 431

In the title on line 15, and in Section 1, line 21, strike the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 526. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wilson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 526, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 526

In the title on line 15, and in Section 1, line 23, strike the words "most recent" and insert in lieu thereof the words

1970 or any subsequent

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 719. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; authorizing the sheriff of any such county to appoint certain additional employees and providing for their compensation.

Also:

S. 720. To provide a uniform allowance for all employees of the sheriff's office in those counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide retroactive effect for said act.

Also:

S. 723. To amend Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) so as to delete the maximum salary requirement of county superintendents of education in certain counties classified on a population basis.

Also:

S. 732. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than non-membership; providing that as a prerequisite to such credit members must, on October 1, 1976, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; and providing that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act.

Also:

S. 560. To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Also:

S. 435. Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 45. Relating to the establishment and operation by the Board of Education of schools at the various units of the Board of Corrections.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Jones, King, Little, Littleton, Mims, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 134. RELATIVE TO CREATING AN EDUCATIONAL SURVEY COMMITTEE FOR THE PUBLIC SCHOOL SYSTEM OF SHELBY COUNTY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Senate non-concurred in the following House amendment to the Resolution, S. J. R. 134, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. J. R. 134

Amend SJR 134, page 1, item 1, line 9, by striking the words "five members to be appointed by the State legislative delegation of the county, one member of which shall be designated as chairman" and inserting in lieu thereof the following:

The Steering Committee for Evaluation of the Shelby County School System

AMENDMENT TO S. J. R. 134

Amend SJR 134, page 2, item 3, line 21, by inserting after the word "Birmingham" the following:

and the University of Montevallo

Also amend on page 2, item 4, line 26, by inserting after the word "Birmingham," the following:

the University of Montevallo,

HOUSE AMENDMENT TO S.J.R. 134

Amend Senate Joint Resolution 134 by adding a new paragraph 6. on the second page as follows:

6. No state funds shall be expended under this resolution.

and requested a Committee on Conference.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Littleton, Baker, and Perloff.

BILLS ON THIRD READING RESUMED

The Bill:

H. 165. To place supervision of public water systems of the state; to empower the State Board of Health to promulgate State Primary and Secondary Drinking Water Regulations; to provide for variances and exemptions; to exercise emergency powers to prevent imminent hazards; to establish procedures for notification of users and concerned agencies of violations which could present health hazards; to require submission of samples and analysis thereof; to establish procedures for permit to furnish water; to provide for penalties and remedies; to provide for the administration of the Act; to punish violators; to allow appeal; and to establish the Safe Drinking Water Fund and appropriate from the said fund.

was taken up.

Mr. Baker moved that further consideration of the Bill, H. B. 165, be postponed temporarily.

On motion of Mr. Fine, the motion to postpone was laid on the table.

Yeas 19; Nays 8.

Yeas:

Messrs. Bank, Clemon, Ellis, Fine, Gilmore, King, Little, Littleton, Mims, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Vacca, Waldrop, Wilson.

— 19

Nays:

Messrs. Baker, Edwards, Flipppo, McDonald (A), Mitchell, Roberts, Stewart, Torbert.

— 8

Mr. Edwards moved that further consideration of the Bill, H. B. 165, be postponed until 11:45 tonight.

MESSAGE FROM THE GOVERNOR

To the Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit to you herewith a Message from the Governor concerning Senate Bill Number 128 containing suggested Executive Amendments.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

DONE THIS 16th DAY OF AUGUST 1976.

To the Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 128 without my signature and approval and with the following suggested Executive Amendments.

I suggest that you amend page 2 by striking out entirely subsection 3(a)1 on lines 29 and 30, subsection 3(a)2 on lines 31 and 32, and subsection 3(a)10 on page 3, lines 15 and 16, and by renumbering the remaining subsections accordingly.

I further suggest that you amend page 9 by inserting after subsection 3(d)25 on lines 33 and 34 the following new subsections:

"26. Alabama Public Service Commission—Created by Title 48, Section 1, 1881.

27. Alabama Alcoholic Beverage Control Board—created by Title 29, Section 3, Code of Alabama 1940, 1937.

28. Department of Insurance—Created by Act No. 407, H. 198, 1971 Regular Session (Acts 1971, v. II, p. 707), 1971."

I suggest further that page 10 be amended by inserting after the words "enumerated herein" on line 4 the following language:

"and acted on by the Legislature and Governor as provided herein."

I further suggest that you amend page 14 by deleting the word "such" on line 31 and inserting in lieu thereof the word "the" and inserting on line 31 after the word "form" the words "of a resolution."

I further suggest that you amend page 16, Section 14, by inserting after the word "continued" on line 16, a comma and the word "terminated" and after the word resolution deleting the period and inserting the words "as provided for in Section 10." Also, on page 16, Section 14, lines 17 and 18, I suggest further that the words "The Governor shall have the power to veto any such resolution, the same as if it were a bill" be deleted and inserting in lieu thereof the following words: "Such resolution shall be governed by Article 5, Section 125, of the Constitution of Alabama."

I further suggest that you amend page 2, Section 3, by deleting after the word "terminate" on line 25 the words "on the given dates, unless they have received a majority roll-call vote by each house of the Legislature that they be continued" and inserting in lieu thereof the words "or continue as provided herein in Sections 10, 11, and 14 of this Act.

I further suggest that you insert after the period on Section 3, page 10, line 10, the words "Provided, however, that no agency or bureau referred to herein shall be terminated except by action of both houses of the Legislature and compliance with Article 5, Section 125, of the Constitution of Alabama."

I further suggest that you amend page 14 by inserting after the period following the word "continued" on line 35 the words "If the Legislature votes not to accept the recommendation, then the agency shall terminate."; and by inserting after the period following the word "act" on

line 38 the words "If the Legislature votes not to accept the recommendation, then the agency shall be continued. All action of the Legislature is subject to Article 5, Section 125, of the Constitution of Alabama."

It is my studied opinion that with this new and untested legislation certain of the regulatory agencies suggested by you to be reviewed in the legislative year 1977 be delayed until a later time in order that you may consider under this bill agencies which do not have such broad regulatory authority and so that you might have a better perspective and working knowledge of the operation of the "Sunset Bill." It is my belief that the Legislature will be in a better position with this experience to study and examine such important regulatory agencies.

I would like to spell out and clarify that the Governor of the State would have the opportunity to approve or disapprove those agencies which may be terminated as well as those which are to be continued and this will maintain the proper balance between the Executive Branch and the Legislative Branch of State Government.

There is some doubt in my mind that the bill as originally passed by the Legislature and any action taken thereunder could cast some doubt as to the constitutionality of the bill and any action taken thereunder without stating specifically that the bill complies with Article 5, Section 125, of the Constitution of Alabama.

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. McMillan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. B. 128. An Act creating the "Alabama Sunset Law of 1976" providing definitions; providing for the termination of state agencies, as defined in the Act, or listed dates; providing a deadline for reaching a recommendation as to continuance or termination, as defined herein, on or before the first legislative day immediately following review; providing that any agency, unit or subunit which is terminated shall have 180 days in which to conclude its affairs after which time the specified agency, unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the state fund from which appropriation was made; providing for a 4-year limit on the life of any continued or newly created agency, after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of agencies under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation" providing for a select committee to assist in the implementation of the provisions of this act and that their recommendation report shall be submitted to the Legislature and the Governor for distribution on, or before, the first legislative day of the regular session; providing expenses and pay of committee members be

made from the state treasury from funds appropriated for the payment of the expenses of the legislature; providing for voting as to the recommendations of the committee and the continuance of any agency by simple majority vote of both Houses; providing for the Examiners of Public Accounts and Legislative Fiscal Office to assist in the review and evaluation process; providing that the Governor be urged to adopt the principles of a "zero-based review and evaluation" in budgetary preparations; providing for the retention of all claims and rights of citizens; providing for severability; providing for repeal of laws inconsistent with this act; and providing an effective date.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 27; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—27

Nays:

—0

Which was a majority of the whole number elected to the Senate.

REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Relative to an appointment to the Board of Trustees of the Alabama Institute for Deaf and Blind.

On motion of Mr. Stewart, the appointment of the Honorable George M. Limbaugh was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—26

Nays:

—0

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Relative to an appointment to the State Board of Agriculture and Industries.

On motion of Mr. Jones, the appointment of the Honorable W. F. Hamner was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—26

Nays:

—0

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Relative to an appointment to the Alabama Educational Television Commission.

On motion of Mr. Fine, the appointment of Mrs. Bertha S. Roberts was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Jones, Little, Littleton, Mims, Mitchell, Owen, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—21

Nays:

—0

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Relative to appointments to the Alabama Commission on Higher Education.

On motion of Mr. Mitchell, the appointment of Mrs. Annie Laura Parker was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McMillan, Mims, Noonan, Owen, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—22

Nays:

—0

On motion of Mr. Mitchell, the appointment of the Hon. Jack F. Rainer was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McMillan, Mims, Noonan, Owen, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—22

Nays:

—0

On motion of Mr. Mitchell, the appointment of the Hon. Clyde Foster was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McMillan, Mims, Noonan, Owen, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—22

Nays:

—0

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Relative to an appointment of a Brigadier General.

On motion of Mr. Edwards, the appointment of the Hon. Addison O. Logan was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—23

Nays:

—0

FURTHER CONSIDERATION OF H. B. 165

The Senate proceeded to further consideration of the Bill, H. B. 165. The question was on the motion of Mr. Edwards that further consideration of the Bill be postponed until 11:45 tonight.

REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Relative to appointments to the Board of Trustees of the University of Montevallo.

On motion of Mr. Littleton, the appointment of Mrs. Isaac Riley was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Little, Littleton, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 22

Nays:

— 0

On motion of Mr. Littleton, the appointment of the Honorable Neal Shirley was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Little, Littleton, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 22

Nays:

— 0

On motion of Mr. Littleton, the appointment of the Honorable James M. Tingle was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Little, Littleton, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 22

Nays:

— 0

On motion of Mr. Littleton, the appointment of Dr. Paul P. Salter, Jr., was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Little, Littleton, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 22

Nays:

— 0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 127. To provide that full-time employees and executive officers of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Also:

H. 464. To regulate further the rates to be charged for publication of legal notices by amending further Code of Alabama 1940, Title 7, Section 718, as amended; and by amending further Act No. 793, S. 117, Regular Session 1953 (Acts 1953, p. 1086), as amended.

Also:

H. 942. To amend Code of Alabama 1940, Title 40, Section 1 and Act No. 431, S. 155, Regular Session 1943, [Acts 1943, p. 400, now appearing in Code of Alabama, Recompiled 1958, Title 40, Section 21], entitled "An Act To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal," as amended, to require the probate judge, upon issuance of a notary public commission, to report such to the secretary of state.

Also:

H. 276. To provide for the conservation, management, enhancement and protection of marine mammals; to provide enforcement authority and penalties for violation of this Act.

Also:

H. 840. To amend Section 3 of Act No. 551, H. 321, 1967 Regular Session [Acts of 1967, p. 1300; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 332(3)], entitled "To create and establish the Alabama Council on the arts; to provide for the appointment of its members, their qualifications, terms, duties, authority and making an appropriation therefor"; so as to change the composition of the membership and the terms of office of such council.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1270. To alter, rearrange and extend the boundary lines and corporate limits of the City of St. Florian in Lauderdale County.

Also:

H. 1271. Relating to Lauderdale County; amending Section 1 of Act No. 462, H. 1170 of the 1975 Regular Session (Acts 1975, Vol. II, p. 1088) so as to set the salary of the clerk of the jury commission who inadvertently was omitted from said Act; making such salary retroactive to March 1, 1975.

Also:

H. 1273. To amend Section 2 of Act No. 74, H. 39 of the Special Session of 1967 (Acts 1967, p. 105), as amended, entitled "An Act To apply only in Dale County; creating a board of jury supervisors in lieu of the jury commission; providing for the transfer of the power, authority, duties and jurisdiction of the jury commission to said board, and abolishing the commission; providing for the organization of the board and the times of its meetings; providing for the appointment of the members and a clerk for said board and prescribing their terms, duties and compensation," so as to decrease the membership of this board.

Also:

H. 336. To provide that the library-classroom complex at the Alabama State University be named the Levi Watkins Learning Center.

Also:

H. 60. To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman, Sr. Building and the Occupation Education Building at Gadsden State Junior College be named the Bevell Occupational Education Building.

Also:

H. 423. To name the Nursing Education Building at Jefferson State Junior College for Dr. George L. Layton.

Also:

H. 424. To name the Science Education Center at Jefferson State Junior College for Mrs. Ruby K. Carson.

Also:

H. 425. To name the Vocational Technical Building at Jefferson State Junior College for Dr. Harold C. Martin.

Also:

H. 505. To name a portion of Alabama Highway 13 the "Albert Stovall Highway" and to designate the State Highway Department to cause appropriate signs and markers to be erected along said highway.

Also:

H. 692. To name the national guard armory in Lineville, Alabama, in honor of James C. Reeves and to direct the Alabama National Guard to cause appropriate signs and markers to be erected and maintained in

designating the said national guard armory as the "James C. Reeves National Guard Armory".

Also:

H. 892. To name the Beginners Cottage at the Alabama Institute for the Deaf and Blind the "Catherine Riser Hall."

Also:

H. 893. To name the technical facility of the Adult Blind Department at the Alabama Institute for the Deaf and Blind the "E. H. Gentry Technical Facility."

Also:

H. 894. To name the library building at the Alabama Institute for the Deaf and Blind the "Harry L. Baynes Library."

Also:

H. 1039. To name the music and speech building on the campus of The University of Alabama Strode Hall in honor of Hudson Strode.

Also:

H. 318. To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

Also:

H. 740. To establish the Helicopter Pilots International, Inc., a non-profit association of licensed helicopter pilots, as an independent state agency under the overall supervision of the state superintendent of education for the purpose of offering instruction and carrying out an educational program for the training of helicopter pilots; to prescribe its powers, functions and duties.

Also:

H. 526. To authorize the counties and municipalities of this state to plan, establish, and furnish recreational, social, and cultural facilities, services and programs, including transportation services and programs, especially for senior citizens within the state, subject to uniform non-discriminatory eligibility requirements; to authorize such subdivisions to agree to and abide by the conditions of any grant from any agency of the state or of the United States Government pertaining to such facilities, services, or programs; to authorize multijurisdictional agreements concerning such services; and to authorize such services by contract with public or private agencies.

Also:

H. 300. To name a certain facility at Snead State Junior College.

Also:

H. 980. This Bill authorizes the State of Alabama Highway Department to establish and supervise a state plan for safe, effective and efficient rail transportation services; to perform all planning necessary

pursuant to the provisions of the federal Rail Revitalization and Regulatory Reform Act of 1976, and any subsequent federal legislation, rules or regulations; authorizes the expenditure of federal funds and a nominal amount of State funds for this program; and make the necessary appropriation from the General Fund of the State of Alabama.

Also:

H. 133. To amend Section 16 (h) of Act No. 207, S. 134, Regular Session, 1949, as amended by Act No. 147, H. 104, 4th Special Session, 1975, the Act known as the "Alabama Coal Mine Safety Law of 1975", so as to further provide for adequate roof support and ventilation at the working faces.

Also:

H. 36. To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act and to distinguish and include the partially hearing.

Also:

H. 803. To provide a right of subrogation for the State of Alabama for certain payments made for recipients under the Alabama Medicaid Program, including means for enforcement of such right.

Also:

H. 848. To provide for relief of any employee of the Medical Services Administration and any other state employee who has the authority to investigate and bring charges against doctors or providers of health care relating to medicaid payments and cases of alleged fraud or abuse of the medicaid program from civil liability arising from said investigation or charges, and also to amend Section 2 of Act No. 2277, S. 177, Alabama Acts 1971, p. 3668 to cover review of medical services furnished to private patients.

Also:

H. 256. Authorizing fiduciaries holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit of, such securities in a clearing corporation and, when such securities are so deposited, certificates and other instruments representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates or other instruments of smaller denomination may be merged into one or more certificates or other instruments of larger denomination; providing that ownership of, and interest in, such securities may be transferred by entries on the books of the clearing corporation without physical delivery of certificates or other instruments representing such securities; and prescribing the conditions upon which securities may be so deposited.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

ADOPTION OF RESOLUTIONS

THE RESOLUTION:

H. J. R. 173. HJR to amend HJR 370 (Act 866) of the 1975 Regular Session relating to the State Fort and Historic Trail Council.

having received its second reading on the Twenty-ninth Legislative Day, was taken up.

On motion of Mr. Owen, said Resolution was then concurred in and adopted by the Senate.

THE RESOLUTION:

H. J. R. 174. HJR to amend HJR 377 (Act 889) of the 1975 Regular Session relating to the Council of Alabama Archaeology and the Alabama Archaeological Advisory Committee.

having received its second reading on the Twenty-ninth Legislative Day, was taken up.

On motion of Mr. Owen, said Resolution was then concurred in and adopted by the Senate.

REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Relative to appointments to the Alabama Real Estate Commission.

On motion of Mr. Gilmore, the appointment of the Honorable Roy F. Bragg was confirmed by the Senate.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Gilmore, Littleton, McMillan, Mims, Mitchell, Owen, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

—17

Nays:

—0

On motion of Mr. Gilmore, the appointment of the Honorable W. M. Tonsmeire was confirmed by the Senate.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Gilmore, Littleton, McMillan, Mims, Mitchell, Owen, Powell, St. John, Torbert, Vacca, Waldrop, Wilson.

— 17

Nays:

— 0

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Communication from the Department of Archives and History and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Hon. Robert E. Steiner, III, as Trustee for the 2nd Congressional District.

On motion of Mr. Shelby, the appointment of the Honorable Robert E. Steiner was confirmed by the Senate.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Gilmore, Jones, Little, Littleton, McMillan, Mitchell, Owen, St. John, Shelby, Stewart, Wilson.

— 17

Nays:

— 0

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Communication from the Department of Archives and History and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Judge Robert B. Harwood as Trustee for the 7th Congressional District.

On motion of Mr. Shelby, the appointment of Judge Robert B. Harwood was confirmed by the Senate.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McMillan, Mitchell, Owen, St. John, Shelby, Torbert, Wilson.

— 17

Nays:

— 0

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Communication from the Department of Archives and History and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Judge Daniel H. Thomas as Trustee for the 1st Congressional District.

On motion of Mr. Shelby, the appointment of Judge Daniel H. Thomas was confirmed by the Senate.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, Little, Littleton, McMillan, Mitchell, Owen, St. John, Shelby, Torbert, Wilson.

— 17

Nays:

— 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 124. Creating a Joint Interim Committee to examine the manuscript of the proposed 1975 Code of Alabama.

Also:

S. J. R. 133. CONGRATULATING THE DECATUR AMERICAN LEAGUE DIXIE YOUTH ALL-STARS UPON WINNING THE DIXIE YOUTH STATE CHAMPIONSHIP.

Also:

S. 263. Relating to DeKalb County; to provide for the salary of certain officials of said county.

Also:

S. 397. To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman Building.

Also:

S. 463. To provide further for the compensation of the judge of the district court having jurisdiction of Crenshaw County; to authorize and empower, but not to require, the county commission or other governing body of Crenshaw County to pay to such judge a supplemental salary.

Also:

S. 647. Amending Act No. 494, S. 927 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1207), relating to the issuance of pistol permits by the sheriffs in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to increase the fee and provide for the distribution and use of such fees.

Also:

S. 666. To provide that the Occupational-Education Building at Gadsden State Junior College be named the Bevill Occupation-Education Building.

Also:

S. 651. To de-annex a certain piece of land from within the corporate limits of Gulf Shores, Baldwin County, Alabama.

Also:

S. 653. Amending Section 1 of Act No. 488, S. 920 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1204), relating to the boards of equalization in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to change the amount of the county per diem supplement.

Also:

S. 667. Relating to Cherokee County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county, and providing for the disposition of the proceeds of the sale thereof.

Also:

S. 668. Amending Section 1 of Act No. 492, S. 924 of the 1971 Regular Session (Acts 1971, Vol. II, p. 1206), relating to the jury commission in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to change the amount of the county per diem payable from the county general funds.

Also:

S. 673. Relating to Crenshaw County; regulating and providing for the payment of compensation of election officers.

Also:

S. 675. Relating to Cherokee County; to make it unlawful for any person to attempt to locate deer by shining any type of lighting device across fields, pastures and roadsides; prescribing penalties.

Also:

S. 691. Relating to Pickens County; to increase the salary of members of the Pickens County Commission to \$450 a month.

Also:

S. 727. Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; providing that the county governing body shall loan the dog racing commission in such counties the sum of \$10,000 from the county treasury for official commission business expenses until the operation of the race track begins to generate revenues.

Also:

S. 728. Providing a supplement to the salary of the circuit judge of the twenty-fourth judicial circuit to be paid in equal parts by the counties composing the circuit.

Also:

S. 735. To amend Act No. 133, H. 86, First Special Session 1971 (Acts 1971, p. 214), which act provides for a clerk for the probate judge in counties having populations of not less than 12,700 nor more than 13,100 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the salaries of such clerks.

Also:

S. 431. Relating to counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent 1970 or any subsequent federal decennial census; providing further for the compensation of the boards of equalization in such counties.

Also:

S. 435. Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

Also:

S. 457. Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the most recent 1970 or any subsequent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws.

Also:

S. 458. Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the most recent 1970 or any subsequent federal decennial census; to provide for an expense allowance for the coroner in such counties; to repeal conflicting laws.

Also:

S. 459. Relating to counties having populations of not less than 55,500 nor more than 56,500, according to the most recent 1970 or any subsequent federal decennial census; to provide for the compensation of circuit court bailiffs in such counties; to repeal conflicting laws.

Also:

S. 497. To provide for a supplemental salary for the circuit judges of the Thirtieth Judicial Circuit, to be paid equally by the counties comprising such circuit; and to fix the amount and method of payment thereof.

Also:

S. 524. Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the most recent 1970 or any subsequent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

Also:

S. 526. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent 1970 or any subsequent federal decennial census; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Also:

S. 560. To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Also:

S. 676. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation and expense allowance of the tax assessor and the tax collector in such counties.

Also:

S. 677. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in such counties.

Also:

S. 678. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the chairman of the county governing body; providing for the compensation of associate commissioners of the county governing body; regulating the travel allowance for out of county travel for all members of the county governing body; and setting the times of meetings for the commissioners.

Also:

S. 679. Repealing Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census."

Also:

S. 681. Altering, re-arranging and extending the corporate limits of the Town of Fyffe.

Also:

S. 690. Relating to counties having populations of not less than 41,750 nor more than 45,000, according to the 1970 or any subsequent

federal decennial census; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

Also:

S. 700. Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members.

Also:

S. 702. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; setting the salary of the probate judge, sheriff, tax assessor and tax collector.

Also:

S. 703. Relating to Marshall County; providing for clerk-hire allowances for certain county offices.

Also:

S. 704. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; providing a salary supplement allowance for the register of the circuit court.

Also:

S. 705. Relating to Marshall County, Alabama: levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Marshall County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; providing that this Act be severable; and providing for the effective date hereof.

Also:

S. 711. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; relieving the board of registrars in such counties from the duty to meet on any official national, state or county holiday.

Also:

S. 719. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; authorizing the sheriff of any such county to appoint certain additional employees and providing for their compensation.

Also:

S. 720. To provide a uniform allowance for all employees of the sheriff's office in those counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide retroactive effect for said act.

Also:

S. 723. To amend Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) so as to delete the maximum salary requirement of county superintendents of education in certain counties classified on a population basis.

Also:

S. 732. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than non-membership; providing that as a prerequisite to such credit members must, on October 1, 1976, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; and providing that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act.

OBIE J. LITTLETON,
Acting Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT FROM RULES

Mr. Littleton, Acting Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Relative to appointment of the Honorable Henry B. Gray, III to the rank of Brigadier General.

Mr. Torbert moved confirmation of the above appointment.

Mr. Perloff moved that consideration of the above appointment be postponed for two Legislative Days.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 245. Proposing an amendment to the Constitution of Alabama to allow the legislature, from time to time, to fix, regulate and alter the compensation, fees, salaries and allowances, including the method and basis of the compensation, to be charged or received by the elected county officials in Lee County.

Also:

S. 566. To provide that the probate judge of Lee County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 601. To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Also:

S. 602. To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Also:

S. 605. Relating to Lee County; to authorize the county commission of said county to levy and collect certain additional taxes and fees and to provide for the disposition of the proceeds from such taxes and fees.

Also:

S. 625. Relating to Lee County board of registrars; providing for thirty dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

Also:

S. 701. Relating to all counties having populations of not less than 33,550 nor more than 34,000 according to the 1970 or any subsequent federal decennial census; relating to salaries of deputies to the sheriff in all such counties; and providing that such salaries shall be paid from the county general fund.

Also:

S. 627. Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census; relating to landlords and tenants; defining the rights, remedies, terms and providing procedures regarding

the payment and refund of tenants' deposits required as a condition for rental or residential units when such deposit is not in payment of rent.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 733. To amend Section 12 of Act No. 515, H. 93, Regular Session 1945 (General Acts 1945, p. 734) as amended, which relates to the Employees' Retirement System of Alabama and provides for the participation of counties, cities, towns, and public or quasi-public organizations so as to further provide for creditable service for certain members.

Also:

S. 729. Relating to all counties with a population of 90,000 to 100,000 according to the 1970 or any subsequent federal decennial census. To provide for the retention of an area vocational school by the county board of education under certain circumstances.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's Appointment of Henry B. Gray, III, to the rank of Brigadier General. The question was on the motion of Mr. Perloff that said appointment be postponed for two Legislative Days.

On motion of Mr. Torbert, the motion to postpone was laid on the table.

Yeas 24; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—24

Nays: Messrs. Owen, Perloff.

—2

Mr. Perloff then moved that consideration of the appointment of Mr. Gray be postponed until 11:59 tonight.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Waldo, in Talladega County.

Also:

H. 1054. To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Also:

H. 1055. To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Also:

H. 397. Relating to the compensation of certain officers in counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; amending Section 2 of Act No. 1896, S. 777 of the 1971 Regular Session (Acts 1971, Vol. IV, p. 3086) so as to increase the amount of compensation for board of education members and to limit the number of meetings for which such members shall be entitled to compensation.

Also:

H. 743. Applying to cities having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent decennial census, to provide that as to "restaurant" liquor licensees with premises located within said municipalities, the definition of the term "restaurant" as defined by Title 29, Section 1, Code of Alabama, 1940, as amended, for the purpose of licensing by the Alcoholic Beverage Control Board shall include, in addition to premises defined by said Title 29, Section 1, premises heretofore licensed by the Alcoholic Beverage Control Board for use by "club" licensees within said municipalities, irrespective of the fact that said premises does not have one thousand square feet of dining area, and irrespective of the fact that tables and chairs accommodating at least fifty persons are not provided, provided that said premises was so licensed for use by "club" licensees on September 19, 1975, and to provide for an effective date of this act.

Also:

H. 737. Relating to Shelby County, Alabama; to provide for the total rehabilitation of certain persons, including, but not limited to, mental and emotionally disturbed inmates, both male and female, convicted of any type crime and sentenced to a term of commitment in the county jail of Shelby County; or any inmates incarcerated in Shelby County Jail.

Also:

H. 1288. To amend Section 1 of Act No. 37, H. 66 Organizational, Special and Regular Sessions 1971 (Acts 1971, p. 4170) as amended which applies in Shelby County, designating the number of employees authorized by the sheriff's department, compensation of such employees, and sheriff and residence requirements of such employees, and to repeal conflicting laws.

Also:

H. 1154. Relating to Pickens County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Also:

H. 1169. Relating to Butler County; to provide for an additional expense allowance for the members of the county commission.

Also:

H. 1170. Relating to Butler County, to increase the pay of election officials to \$16.00 per day.

Also:

H. 1171. Relating to Butler County; to provide for an election to determine the sentiment of the electors concerning the use of voting machines for registering or recording and computing the vote at all elections held in such county and to provide that the county governing body of such county shall direct the use of voting machines if the majority of the electors voting in such election vote in favor of the adoption of voting machines.

Also:

H. 1174. To amend Act No. 453, H. 1033, Regular Session 1975 Legislature of Alabama, which changed the compensation of each member of the Madison County Board of Education.

Also:

H. 1180. Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department.

Also:

H. 1183. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies.

Also:

H. 1190. Relating to all counties having a population of not less than 45,500 nor more than 52,000 according to the 1970 or any subsequent federal decennial census; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in any such county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Also:

H. 1194. To amend further Section 8 of Act No. 970, S. 378, Regular Session 1961 (Acts 1961, p. 1545), which act provides an alternative method of vehicle license registration in counties having a population of

300,000 or more according to the 1970 or any subsequent federal decennial census, so as to increase the mail fee pursuant to such alternative registration.

Also:

H. 1196. To authorize and provide for the collection of an additional application or issuance fee to be charged by the License Commissioners, Judges of Probate, Directors of Revenue, or other public officers performing like duties relating to the application or issuance of motor vehicle licenses, motor vehicle license transfers, drivers licenses or permits, business or professional licenses and the transfer of business licenses in all counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, provided however, that the affidavit fee of twenty-five cents presently prescribed by law in said counties shall be collected for affidavits taken or required in the course of the application or issuance of licenses or transfers.

Also:

H. 1207. To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 1217. To amend Act No. 526, H. 1234, Regular Session 1975 (Acts 1975, p. 1179), which act establishes a civil service system for law enforcement officers of certain counties based on population, so as to remove from the civil service system thereby created the authority to determine salary or compensation of said officers.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1219. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in such counties.

Also:

H. 1218. To amend Act No. 1088 of the 1975 Regular Session of the Alabama Legislature, an act entitled, "Relating to counties having a

population of not less than 90,000, nor more than 100,000 according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same," so as to further provide for the compensation and expenses of the constable of the District Court.

Also:

H. 1120. To alter or rearrange the boundary lines of the City of Ozark, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Also:

H. 1116. To apply only in counties having a population of not less than 27,000 nor more than 27,900 according to the 1970 or any subsequent federal decennial census, fixing the expense allowance of the civil defense coordinator.

Also:

H. 1115. To provide for purging the lists of registered voters in Elmore County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 1111. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Priceville, in Morgan County.

Also:

H. 1109. Relating to Cullman County; to provide further for the costs and charges in criminal cases in any court of the county.

Also:

H. 1102. To provide for the minimum compensation for all Deputy Sheriffs in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

Also:

H. 1093. Relating to the establishment, operation and funding of a juvenile facility in counties with populations of not less than 75,000 nor more than 90,000 according to the 1970 or any subsequent federal decennial census.

Also:

H. 1072. To provide for the establishment of a merit system for Conecuh County, Alabama, and a merit system board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Also:

H. 1059. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an increased expense allowance for members of the county commission.

Also:

H. 784. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses.

Also:

H. 835. To authorize the county governing bodies of all counties having populations of not less than 75,000 nor more than 90,000, according to the 1970 or any subsequent federal decennial census, and the governing body of any municipality in any such county to enter into long-term contracts for the disposal of solid waste, garbage, ashes and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision of statutory limitation on debts of the county and the municipality.

Also:

H. 1235. Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for additional expense allowances for certain county officials.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 927. To alter and rearrange the boundaries of the town of Clio, Barbour County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

Also:

H. 1026. To provide that any city which may now or hereafter have a population of not less than 135,000 nor more than 185,000 according to

the 1970 or any subsequent federal decennial census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

Also:

H. 577. To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement within the state in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; and to authorize the state to become indebted and to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding \$25,000,000.

Also:

H. 1022. To propose and provide for the submission of an amendment to the Constitution of Alabama amending further Amendment XVIII to said Constitution, which pertains to Mobile County and the issuance of bonds and the levy of a special ad valorem tax by said county for certain specified purposes.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 257. Authorizing banks and trust companies holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to hold same in a manner such that, without certification of ownership attached, certificates and other instruments representing securities of the same class of the same issuer constituting assets of different accounts are held in bulk, including the merging of certificates or other instruments of smaller denominations into one or more certificates or other instruments of larger denominations; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; authorizing securities so held to be registered in the name of a nominee; and prescribing the conditions upon which securities may be so held.

Also:

H. 183. To amend act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971 called the Alabama Controlled Substances Act, to provide that the State Board of Medical Examiners shall be a certifying board and that certifying boards can charge reasonable fees to defray expenses.

Also:

H. 181. To provide for and regulate the practice of Midwifery by the issuance of a license by the State Board of Nursing and Board of Medical Examiners, and to provide penalties for violations.

Also:

H. 932. To amend Section 1 of Act No. 571, H. 724, 1963 Regular Session (Acts of 1963, p. 1193), entitled: "An Act Relating to taxation: To exempt wrapping and other packing materials from the State Sales and Use Tax when used in preparing poultry or poultry products for delivery, shipment, and sale," so as to include the exemption of pallets used in shipping poultry and egg products.

Also:

H. 279. To exempt from the sales tax levied by Act No. 100, Second Special Session, Legislature of Alabama 1959, certain items necessary in the farm to market production of tomatoes from sales tax.

Also:

H. 89. To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist so as to allow him to microfilm records in lieu of maintaining original reports as currently required.

Also:

H. 771. To amend Code of Alabama 1940, Title 55, Section 346, which prohibits boxing, sparring or wrestling matches on Sunday so as to provide that the boxing and wrestling commission could allow such matches except during certain hours.

Also:

H. 1274. Relating to counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide the county commission with authority to employ or contract for appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Also:

H. 1287. To amend Section 1 of Act No. 191, H. 525, Regular Session of 1971, (Acts 1971, Vol. I, p. 486); providing additional expense allowance for each circuit judge of all judicial circuits composed of three (3) counties with two (2) circuit judges having a total population of not less than 60,000 and not more than 70,000 according to the 1970 or any subsequent federal decennial census.

Also:

H. 1294. To provide an annual expense allowance for the coroner and deputy coroner of Escambia County to be funded from the general fund of Escambia County, Alabama.

Also:

H. 1293. To amend Section 1 of Act No. 221, H. 917, Regular Session 1973 (Acts 1973, p. 255) so as to delete the maximum salary requirement of county superintendents of education in certain counties classified on a population basis.

Also:

H. 1281. Relating to all counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize the county commission to employ two clerks to assist the tax assessor, two clerks to assist the tax collector, one clerk to assist the probate judge and such additional part-time help as the county commission deems necessary, and to provide salaries for said employees.

Also:

H. 1282. To provide that the county governing body is authorized and empowered to pay the employer's share of social security or F. I. C. A. payments on elected officials in all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 1283. To amend further Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), which act, as amended, provides for a pistol permit fee and the distribution and use of the proceeds of such fee in counties having populations of not less than 16,245 nor more than 16,300 inhabitants according to the last or any subsequent federal decennial census, so as to provide further for the use of the proceeds of such fee, and to provide for retroactive effect to October 1, 1975.

Also:

H. 1249. Relating to Marshall County, Alabama: levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Marshall County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; providing that this Act be severable; and providing for the effective date hereof.

Also:

H. 1250. Relating to Marshall County; providing for clerk-hire allowances for certain county offices.

Also:

H. 1251. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; setting the salary of the probate judge, sheriff, tax assessor and tax collector.

Also:

H. 1253. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; to authorize and provide for the payment out of the county treasury of pension or retirement allowances, under certain circumstances, to judges of the county court.

Also:

H. 1254. Relating to Dale County; to amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for the sale of such beverages, limiting the prohibition of sale outside certain municipalities to sale for on-premises consumption.

Also:

H. 1255. To authorize an expense allowance for the Chairman and associate members of the Dale County governing body.

Also:

H. 1256. To provide for the salary for the chief clerk of the probate court of all counties having populations of not less than 15,650 nor more than 16,200 inhabitants according to the 1970 or any subsequent federal decennial census.

Also:

H. 1033. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$12,000,000 principal amount of revenue bonds for the purpose of the improvement of existing seaport facilities and the construction and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the full faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in an order of the Director of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special processing charge; the pledge of the special processing charge for payment of the principal of and interest on the bonds issued hereunder and that such pledge will constitute a first charge on the special processing charge so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued;

and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 501. To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

To create a reconstituted coastal area board with responsibility and authority for developing, coordinating and maintaining a coastal area program for the area in direct proximity to the coasts of Alabama to insure the enhancement of tourism and orderly economic development along coasts; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Roberts, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 501, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SUBSTITUTE TO S. 501

On page 6, line 13, change the period following the word "means" to a comma and insert the following:

however such power shall not apply to property and interest therein which is devoted to public use.

HOUSE SUBSTITUTE FOR S. B. 501

A BILL
TO BE ENTITLED
AN ACT

To create a reconstituted coastal area board with responsibility and authority for developing, coordinating and maintaining a coastal area program for the area in direct proximity to the coasts of Alabama to insure the enhancement of tourism and orderly economic development along coasts; and to provide for the promulgation of regulations and provisions for the enforcement of this act; and

To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. The purpose of this Act is to promote, improve and safeguard the lands and waters located in the coastal areas of this state through a comprehensive and cooperative program designed to preserve, enhance and develop such valuable resources for the present and future well-being and general welfare of the citizens of this state. In promulgating such a program, the Legislature of Alabama recognizes and declares that:

a. The coastal area is rich in a variety of natural, commercial, recreation, industrial, and aesthetic resources of immediate and potential value to the present and future well-being of the state.

b. There are increasing and competing demands upon the lands and waters of the coastal area occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

c. The coastal area, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently vulnerable to destruction by man's alterations.

d. Important ecological, cultural, historic and aesthetic values to the coastal area are essential to the well-being of all citizens.

e. Special natural and scenic characteristics may be damaged by ill-planned development.

f. There is a state interest in the effective administration, beneficial use, protection, and development of the coastal area.

g. In light of competing demands and the urgent need to balance development for the preservation of the natural systems in the coastal area, the key to more effective protection and use of land and water resources of the coastal area is to encourage the state to exercise its authority for improved and better methods of utilizing the lands and waters in the coastal area by developing, in cooperation with counties and municipalities and other vitally affected interests, land and water use programs for the coastal area, including unified policies, criteria, standards, methods, and processes for dealing with land and water use.

Section 2. State Policy. The Legislature finds and declares that it is State policy:

a. To preserve, protect, develop, and where possible, to restore or enhance, the resources of the state's coastal area for this and succeeding generations;

b. To encourage and assist counties and municipalities wherever applicable to exercise effectively their responsibilities in the coastal area through the development and implementation of administration programs to achieve wise use of the land and water resources of the coastal area giving full consideration to needs for economic development, as well as to ecological, cultural, historic, and aesthetic values.

c. To assure that in development of the state's coastal area adequate consideration is given to such uses of the coastal area as the establishment of harbor facilities for the receiving of oil, gas and other commodities from ships and tankers; pipelines from such ports; and utility plant sites, utility generation, transmission, distribution, and transportation facilities;

d. To urge that all state agencies engaged in programs affecting the coastal area cooperate and participate with local governments and regional agencies in effectuating the purposes of this Act; and

e. To encourage the participating of the public, of federal, state, and local governments and of regional agencies in the development of coastal area management programs. With respect to implementation of such management programs, it is the state policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures and joint action particularly regarding environmental problems.

Section 3. Definitions. The following terms, whenever used in this Act, shall have the following respective meanings unless the context thereof clearly indicates otherwise:

a. "Coastal area" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) strongly influenced by each and in proximity to the shorelines of Alabama, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The area extends seaward to the outer limit of the United States territorial sea and extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters.

b. "Coastal waters" means those waters, adjacent to the shoreline, which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

c. "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage.

d. "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible, a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

e. "Management Program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the

provisions of this Act, setting forth objectives, policies and standards to guide public and private users of lands and waters in the coastal area.

f. "Water use" means activities which are conducted in or on the water, but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge of runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of this Act.

g. "Board" means the Board established under this Act.

Section 4. Permissible Uses. The legislature of Alabama finds that the following activities shall constitute permissible uses within the Coastal Area upon the approval of this Act by the Governor. The Board shall determine by rule and regulation from time to time additional permissible uses within the Coastal Area.

a. The accomplishment of emergency decrees of any duly appointed health officer of a county or municipality or of the state, acting to protect the public health and safety;

b. The conservation, repletion and research activities of the Marine Environmental Sciences Consortium, the Marine Resources Division of the Department of Conservation and Natural Resources and the Mississippi-Alabama Sea Grant Consortium;

c. The exercise of riparian rights by the owner of the riparian rights, provided that the construction and maintenance of piers, boathouses and similar structures are constructed on pilings, that permit a reasonably unobstructed ebb and flow of the tide;

d. The normal maintenance and repair of bulkheads, piers, roads and highways existing on the date of final approval of the rules and regulations pursuant to this Act;

e. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling;

f. Normal maintenance and repair activities of railroads and of utilities or other persons engaged in transportation or in telephone communication service or in the distribution or transmission of gas, electricity or water or the collection of sewage, including inspecting, maintaining, repairing, or renewing on private or public rights of way any sewers, mains, conduits, pipes, cables, utility tunnels, power lines, towers, poles, tracks, bridges, trestles and drainage facilities or the like, or making service connections thereto, or inspecting, maintaining, repairing, or renewing any substation, pumping or lifting facility;

g. Activities of any mosquito control commission which is a political subdivision or agency of the State of Alabama;

h. The use of any land for the purpose of planting, growing, or harvesting plants, crops, trees, or other agricultural or forestry products, including normal private road construction, raising livestock or poultry, or for other agricultural purposes;

i. Completion of any development, not otherwise in violation of law, for which a valid building or zoning permit was issued prior to final approval of the rules and regulations pursuant to this Act and which development was initiated prior to such approval.

Section 5. Composition, Appointments, Meetings and Functions of Board. There is hereby created the Alabama Coastal Area Board as set forth as follows:

a. Members of the Board shall consist of: Director, Office of State Planning, Alabama Development Office; Director, Marine Resources Division, Department of Conservation and Natural Resources; member, Mobile City Commission; member, Mobile County Commission; member, Baldwin County Commission; the State Geologist; Director Marine Environment Sciences Consortium; one official of a municipality in Baldwin County, who is a member of and selected by the Baldwin County Mayor's Association, the Chairman of the Coastal Area Advisory Committee provided for in Sec. 9 of this Act.

b. The term of office of each Board member shall be consistent with his elective or appointed office. The member from the Mobile County Commission and the Baldwin and Mobile County Commissions shall be elected by the membership of their respective commissions.

c. The Chairman of the Board shall be elected by the members of the Board and shall serve as chairman at the pleasure of the Board. The Board shall designate from time to time any other member as acting Chairman who shall serve in the absence of the Chairman.

d. A quorum for the transaction of business shall consist of at least five (5) members. A majority of those members voting shall be required to pass any motion before the Board. However, in adopting its rules and regulations a minimum of two-thirds of the Board's membership must vote in the affirmative. The Board shall have an official seal which shall be judicially noticed.

e. Members shall receive no additional compensation for serving on the Board, but shall be reimbursed for expenses of travel and subsistence in the discharge of their official duties at the rate provided by law.

f. The Board shall meet quarterly, and shall meet in special sessions as occasion demands upon the call of the Chairman. All meetings shall be open to the public and an accurate record of all proceedings shall be kept and made available for public inspection. All members shall be voting members.

g. The Board shall have authority to solicit, accept and expend funds from the State, the United States, and from any other source, to carry out the provisions, purposes and policies of this Act.

h. The Board shall coordinate activities and plans of all existing interests, other State governments, local governments, regional planning agencies, interstate compacts and commissions, and federal agencies which have programs relevant to the coastal area.

i. When necessary to achieve conformance with the management program provided for in Section 6 of this Act, the Board shall have the power to acquire fee simple and less than fee simple interest in land, water and other property under the procedures of Title 19, Code of Alabama, or other means. In the implementation of this Act no governmental agency shall adopt a rule or regulation that is unduly restrictive, or constitutes a taking of property without payment of full compensation in accordance with the Constitution of the State of Alabama or of the United States.

j. The Board is authorized to employ an executive director to serve at the will of the Board. The executive director, under policies adopted by the Board, shall manage the executive and administrative functions of the Board and the Board's general operations and shall serve as chief administrative officer of the Board. The executive director, in addition to his usual functions, shall be secretary to the Coastal Area Board. The Board shall fix the compensation of the executive director. The executive director, subject to Board approval, shall employ necessary engineers, attorneys, accountants, technical personnel and other employees necessary to carry out the provisions of this Act. Employees of the Board are entitled to compensation as provided by the Board. The executive director shall keep complete and accurate minutes of all transactions and proceedings of the Board. The executive director shall be custodian of all files and records of the Board.

k. The Board is authorized to call upon and/or contract with such other state agencies including universities to provide such technical assistance as might be needed from time to time to develop and carry out the management program. The cost of such technical assistance shall be reimbursable to the agency furnishing such assistance on an actual cost basis.

l. Subject to Section 14, after 120 days from the approval of this Act by the Governor the Board shall provide for the orderly transfer by the State Planning Office of all of the State Planning Office functions under Act 1274, Regular Session 1973 to the office and staff directed and hired by the Coastal Area Board, and accordingly there shall be established in the Gulf Coast area an office to carry out the functions, responsibilities and duties herein presently delegated to the office of State Planning and otherwise to effectuate the provisions of this Act.

Pursuant to the above provisions of this subsection L., the Board is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act. There is hereby created a fund which shall be known as the Alabama Coastal Area Board Fund. This shall consist of: (a) all money appropriated to the Board by the Legislature of the State of Alabama; (b) all money received by the Board by appropriation from county or municipal governments; (c) all gifts, grants, bequests or donations from individuals, associations, corporations, or industries; (d) all money derived through any source of federal aid; (e) all other moneys accruing to the Board in accordance with the terms of the gift, grant, bequest, appropriation, or donation from which said money is derived. The funds shall be expended by the Board in furtherance of any of the provisions of this Act. All necessary expenses of the Board shall likewise be paid out of said fund.

Section 6. Development of Program by Board. The Board shall provide for the development of a comprehensive coastal area management program. The program shall be prepared in cooperation with local, regional, state and federal interests. The inland boundaries of the Coastal Area subject to the management program are described as follows: Begin at the southernmost point on the Mississippi-Alabama State line where the land surface elevation reaches 10 feet above mean sea level and continue in a general easterly direction along the 10-foot contour to the proximity of Mobile Bay; continue in a northerly direction on the 10-foot contour along the western shore of Mobile Bay and the Mobile River delta to the north line of Mobile County; thence southeastward along the north line of Mobile County to the intersection with the Baldwin County

lines in the Mobile River; thence along the west and north lines of Baldwin County in the Mobile and Alabama Rivers to the intersection of the southwest corner of Monroe County; thence eastward along the Baldwin County line to the intersection of the westernmost point of Baldwin County where the land surface altitude reaches 10 feet above mean sea level; thence along the 10-foot contour in a southwesterly and southern direction along the Alabama River, the Mobile River delta and the east shore of Mobile Bay to the proximity of Bon Secour; thence continue along the 10-foot contour in an easterly and northeasterly direction to the Alabama-Florida State line. The program shall include at least the following:

- a. Identification of all of the state's coastal resources;
- b. Evaluation of these resources in terms of their quality, quantity, and capability for the use both now and in the future;
- c. Determination of the present and potential uses and the present and potential conflicts in the uses of each coastal resource;
- d. An inventory and designation of areas of particular concern within the coastal area;
- e. Broad guidelines on priority of uses in particular areas;
- f. Provision for adequate consideration of the local, regional, state and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other public services necessary to meet requirements which are other than local in nature.
- g. Provision for consideration of whether a proposed activity of an applicant for a federal license or permit complies with the state's coastal area program and for the issuance of notice to any concerned federal agency as to whether the state concurs with or objects to the proposed activity.
- h. Adequate provision for public notice, public hearings, and the judicial review as provided for under Alabama law.
- i. The management program shall determine permissible land and water uses which have a direct and significant impact within the boundaries of the Coastal Area and must give due consideration to requirements for agriculture, industry, commerce, resource conservation, residential development, recreation, extraction of mineral resources and fossil fuels, harvesting of timber and pulpwood, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

Section 7. Rules and Regulations. The Board shall develop and promulgate, after notice and opportunity for full participation by relevant Federal Agencies, State Agencies, local governments, regional organizations, port authorities and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the management program provided for in this Act.

Section 8. Permits. It is the intent and purpose of this section to avoid duplicity whenever possible in managing activities within the coastal area and yet assure compliance with the management program established by the Board.

a. No additional permit shall be required from the Board where the proposed action requires a permit from; Alabama Water Improvement Commission, Alabama Air Pollution Commission, Alabama Oil and Gas Board, Alabama Department of Conservation and Natural Resources, or any other agency having jurisdiction of an action within the coastal area. However, the above mentioned agencies shall not issue a permit for any activity or action within the boundaries of the coastal area until there has been a determination by the Board that any permit issued by the above agencies will be in compliance with the management program of the Board. The Board shall act on any such request for determination of compliance within forty-five (45) calendar days of receipt of such request. Failure of the Board to act within said time limit shall be a ground upon which the party seeking the permit may apply to any court of competent jurisdiction for a writ of mandamus compelling the Board to act within 10 days after the date of such court order; and the court must grant such order upon the ex parte showing that the Board has failed to act within said 45-day limit.

b. There may well be uses of certain lands included within the boundaries of the Coastal Area which will not have a "direct and significant" impact on coastal waters. Such uses may be subject to regulation by local units of government, i.e. city or county, within the framework of the management program adopted by the Board.

c. Any person, corporation or partnership filing an application for a Federal permit for an activity to be conducted within the boundaries of the Coastal Area shall deliver to the Board an informational copy of such application.

Section 9. Advisory Committee. There is hereby established the Coastal Area Advisory Committee whose purpose shall be to advise, consult with the Board and make recommendations to the Board on matters concerning the Coastal Area. The committee membership shall be composed of fourteen (14) persons having a broad range of experience and knowledge relating to problems involving management, use, conservation, protection and development of coastal area resources. Members selected shall represent a broad segment of industry and commerce, conservation and protection groups within the coastal area, farming and forestry within the coastal area, fishing and marine transport within the coastal area, building and land development within the coastal area, and planning and engineering within the coastal area.

The County Commissions of Mobile and Baldwin Counties shall solicit nominations from various public, private, civic and professional groups representing the above interests for membership on the Coastal Area Advisory Committee and each County Commission shall select seven (7) for membership assuring that there is a balance of all interests represented and assuring that at least one-half of the committee membership shall be residents of Baldwin County and at least one-half of the committee membership shall be residents of Mobile County. In addition, a majority of those members selected from each county shall either reside and/or own property within the management program of the coastal area. The members so selected shall serve for a period of one (1) year from the date of their appointment and shall be eligible for reappointment. The total committee membership of fourteen (14) so selected by their respective County Commissions shall elect a Chairman who shall serve at the pleasure of the Coastal Area Advisory Committee and who by virtue of such office shall serve as a voting member of the Coastal Area Board.

Section 10. Approval by Governor.

- a. The management program provided for in Section 6 of this Act shall not become effective until approved by the Governor.
- b. Any rule or regulation proposed by the Board shall not become effective until approved by the Governor.

Section 11. Appeals and Judicial Review.

a. An appeal may be taken by any person or persons, partnership, corporation, state or local government entity aggrieved by an order of the Board, which has resulted in the denial, suspension, or revocation of a permit or the issuance of a permit or a conditional permit within the coastal area. Before such appeal will lie, written protest setting forth the basis of the appeal must be filed with the Board within thirty (30) days of final Board action.

b. After an appeal has been filed as provided for above, the Board may conduct such further inquiry into the matter as might be appropriate.

The appellant shall be given an opportunity to introduce testimony, both written and oral, to support the appeal to the Board. The Chairman of the Board shall have wide discretion in the manner of conducting the appeal.

c. If the Board denies an appeal as provided for above, the aggrieved party may appeal the order of the Board denying such appeal to the Circuit Court of the county in which the property affected by the order of the Board is located. If the court finds that the order appealed from is supported by substantial evidence, consistent with the public policy set forth in this Act, is not arbitrary or capricious and does not violate constitutional rights, it shall affirm the Board's order.

Section 12. Initiation of Actions. The State of Alabama at the request of the Board, a district attorney having jurisdiction, or a county attorney having jurisdiction may initiate an action against any person or persons, partnership, corporation, state or local government entity if in the judgment of the Board such party is determined to be in violation of the management program of the Board.

a. Jurisdiction and venue for judicial actions brought pursuant to this Act shall lie in any county or counties in which the alleged violation occurs or in which property affected by such violation is located.

b. Threatened or actual violations of this Act may be restrained by order of the Circuit Court of the county in which any affected area of the coastal area or any part thereof lies. Such suits shall be initiated as provided for above.

c. Nothing in this Act shall preclude other statutory or common law remedies by public or private parties against violators or non-violators of this Act.

Section 13. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. Authority of Board to Implement Coastal Area Office. The Board shall take the steps to implement Section 5-1 of this Act only

after there has been appropriated by the Legislature of Alabama the sum of Forty Thousand Dollars (\$40,000.00) for the purposes of implementing the provisions of the Act, or in the alternative, the Board has acquired by gift, donation, grant or bequest, or appropriation from federal, county or municipal government or services in kind by another state agency or agencies, a sum equal to Forty Thousand Dollars (\$40,000.00), or in the event the Board in its judgment and the exercise of prudence feels that it may assume the functions, responsibilities and duties set out in Section 5-1 without the receipt of such monies, the Board is hereby authorized to notify the Governor and the State Planning Office of its readiness to assume the State Planning Office functions under Act 1274 of the Regular Session 1973.

Section 15. Repeal Section. All laws in conflict or inconsistent with the provisions of the Act are hereby repealed; and Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164) is hereby specifically repealed.

Section 16. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—23

Nays:

—0

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of the Honorable Henry B. Gray to the rank of Brigadier General. The question was on the motion of Mr. Perloff that consideration of the above appointment be postponed until 11:59 tonight.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 75. To re-divide the state into judicial circuits so as to create a thirty-ninth judicial circuit consisting of that part of Jefferson County known as the "Bessemer Cut-off"; and to provide for the jdugeships in such circuit and for the office of district attorney therein.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 449. Relating to Native Americans; creating the Alabama Creek Indian Council; providing for membership and method of appointment; and providing for the duties and power of the Council.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of the Honorable Henry B. Gray to the rank of Brigadier General. The question was on the motion of Mr. Perloff that consideration of the above appointment be postponed until 11:59 tonight.

Mr. Stewart offered a substitute motion that consideration of the above appointment be postponed until 11 o'clock tonight.

On motion of Mr. Torbert, said substitute motion was laid on the table.

Yeas 16; Nays 10.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Jones, King, Little, McDonald (A), McMillan, Perry, Powell, Roberts, St. John, Shelby, Torbert.

— 16

Nays:

Messrs. Clemon, Ellis, Flippo, Noonan, Owen, Pearson, Perloff, Stewart, Vacca, Wilson.

— 10

RESOLUTION

Messrs. Roberts, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson offered the following Senate Resolution, to-wit:

S. R. 151. RESOLUTION HONORING SENATOR RONNIE FLIPPO ON THE FINAL NIGHT OF HIS TERM IN THE LEGISLATURE DURING A REGULAR SESSION.

WHEREAS, Ronnie Flippo in 1970 felt called upon to seek election to the Alabama House of Representatives to represent the good people of Florence and Lauderdale County; and

WHEREAS, as a House member, Ronnie Flippo learned that when told that a freshman House member could not rewrite a budget over night, he used a borrowed adding machine at a Montgomery motel to show some of those more established officials otherwise; and

WHEREAS, Ronnie Flippo came to Montgomery representing the music industry of Muscle Shoals with a song in his heart and a quick line on his lips; and

WHEREAS, Ronnie Flipppo felt in 1974 compelled to leave the lower chamber to bring his talents to the Alabama Senate where his talents helped regulate Commerce, Transportation and Utilities as committee chairman; and

WHEREAS, Ronnie Flipppo felt that he had so endeared himself to his fellow legislators that he should seek refuge in Washington, therefore raising the average level of intelligence of both the Alabama Legislature and the U. S. Congress; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we wholeheartedly commend Sen. Flipppo on his accomplishments in the Alabama Legislature, and as he ends this last regular session of the Alabama Legislature before going to Washington as a member of Congress, we bid him farewell and wish him all future successes.

On motion of Mr. Roberts, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 128. An Act creating the "Alabama Sunset Law of 1976" providing definitions; providing for the termination of state agencies, as defined in the Act, or listed dates; providing a deadline for reaching a recommendation as to continuance or termination, as defined herein, on or before the first legislative day immediately following review; providing that any agency, unit or subunit which is terminated shall have 180 days in which to conclude its affairs after which time the specified agency, unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the state fund from which appropriation was made; providing for a 4-year limit on the life of any continued or newly created agency, after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of agencies under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation" ' providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature and the Governor for distribution on, or before, the first legislative day of the regular session; providing expenses and pay of committee members be made from the state treasury from funds appropriated for the payment of the expenses of the legislature; providing for voting as to the recommendations of the committee and the continuance of any agency by simple majority vote of both Houses; providing for the Examiners of Public Accounts and Legislative Fiscal Office to assist in the review and evaluation process; providing that the Governor be urged to adopt the principles of a "zero-based review and evaluation" in budgetary preparations; providing for the retention of all claims and rights of citizens; providing for severability; providing for repeal of laws inconsistent with this act; and providing an effective date.

by a majority of the whole number elected to the House, said vote being Yeas 81, Nays. 0.

And said Bill, S. B. 128, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 89, Nays 0.

And said Bill S. B. 128, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1107. To change the method of compensating the probate judge of Geneva County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that certain fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury; and to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 2. To amend Section 10 of Act No. 863, H. 1509 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1351) so as to permit certain establishments in counties, having populations of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census, to extend the legal hours for selling table wine.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been

publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 208. CREATING THE ELMORE COUNTY GOVERNMENTAL STUDY COMMISSION ON REDISTRICTING AND OTHER COUNTY GOVERNMENT FUNCTIONS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 599. To authorize the Walker County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county treasury designated for county roads; to prohibit the expenditure of such funds for bonded indebtedness or road equipment of any nature; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 238. To revise, amend and reenact Act No. 58, S. 13, 1975 Second Special Session (Acts 1975, p. 185), which relates to prison sentences providing credit toward a sentence for time spent incarcerated pending trial so as to make such act applicable to any prisoner incarcerated on the effective date of this act.

Also:

H. 258. To amend Section 8-102 of Act No. 549, S. 2. Regular Session 1965, (an Act known as the Uniform Commercial Code) so as to change the definition of "clearing corporation" contained in said Section 8-102.

Also:

H. 259. Authorizing banks and trust companies holding treasury securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit, with the federal reserve bank in its district of such treasury securities to be credited to one or more accounts on the books of said federal reserve bank in the name of such bank to be designated trust or other accounts in accordance with rules and regulations of the federal reserve bank, to which similar treasury securities deposited by the bank for other fiduciary accounts may be credited; providing that ownership of, or interest in, such treasury securities may be transferred by entries on the books of said federal reserve bank without physical delivery thereof; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; and prescribing the conditions upon which treasury securities may be so deposited.

Also:

H. 769. To amend Sections 1, 6, 7, 8 and 11 of Act No. 342, S. 201, of the 1967 Regular Session of the Legislature of Alabama entitled "To amend further Act No. 565 enacted at the Regular Session of the Legislature of Alabama of 1943, entitled 'An Act To authorize the establishment and maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervision thereof; to repeal all laws and parts of laws inconsistent and in conflict with the provisions of this Act, and for other purposes,' as said Act has heretofore been amended by Act No. 262 enacted at the Regular Session of the Legislature of Alabama of 1949 and by Act No. 112 enacted at the Regular Session of the Legislature of Alabama of 1953" so as to authorize the investment by an affiliated trust institution acting as a fiduciary or co-fiduciary in a common trust fund maintained by another affiliated trust institution.

Also:

H. 99. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1977, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the

prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

Also:

H. 753. To make an additional appropriation to the Alabama State Board of Chiropractic Examiners for the fiscal year ending September 30, 1976.

Also:

H. 1181. To regulate further the issuance and execution of search warrants and authorizing the execution of search warrants at any time of the day or night, based on probable cause, in connection with the enforcement of laws relative to narcotics and controlled substances in circuits composed of one county and having not less than five nor more than seven circuit judges.

Also:

H. 154. To amend Section 1 of Act No. 863, H. 1061, 1965 Regular Session (Acts of 1965, p. 1605), entitled "To provide facilities for displaying certain exhibits in cooperation with the Department of The Army and the National Aeronautics and Space Administration; creating the Alabama Space Science Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes," so as to enlarge the mission of the Alabama Space and Rocket Center to include the collection and dissemination of energy related activities, including research and development.

Also:

H. 247. Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services performed by podiatrists under this Act.

Also:

H. 220. To further amend Act No. 1122, S. 408, Legislature of 1969, Regular Session, (Acts of Alabama of 1969 and 1970, Vol. III, p. 2077), as last amended, which relates to State aid for the promotion of agriculture and agricultural fairs for prizes and premium awards from funds appropriated to the Agricultural Center Board for such purposes; amend Section 9 and Section 13, as amended, of said Act No. 1122 of the Legislature of 1969 (Regular Session) relating to the amount of administrative expenses authorized to be expended by the Agricultural Center Board for administration of said Act and the maximum annual per diem and travel allowance of the Special Awards Committee for Fairs.

Also:

H. 45. Relating to the establishment and operation by the Board of Education of schools at the various units of the Board of Corrections.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 747. To provide, in cities having a population of 300,000 or more inhabitants according to the last or any subsequent federal decennial census, for the licensing and regulation of retail establishments serving food and beverages as their principal source of income, to operate and maintain coin operated pool or billiard tables, and to provide for the revocation of any such license.

Also:

H. 998. To amend Section 2 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955 entitled "An Act To provide a separate retirement and relief system for certain of the presently active employees of the city of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, as reenacted and amended: to include in said separate system dependents of said presently active employees: and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents:"

Also:

H. 1168. To provide for the relief of Charles John Salors by granting to him the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Also:

H. 1071. Providing for purging the lists of registered voters in Conecuh County; requiring and prescribing the procedure for purging the lists of registered voters; placing certain duties on the board of registrars, election officials and the county governing body relative to the purging of registered voter lists.

Also:

H. 1266. Relating to Escambia County; providing salaries for the chairman and associate members of the Escambia County Commission.

Also:

H. 1267. Relating to Escambia County; to abolish the jury commission of said county and create in lieu thereof a jury board,

providing for the appointment of the members and clerks and assistants thereof, and for their qualifications, duties, compensation, and tenure.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1289. To provide a uniform allowance for all employees of the sheriff's office in those counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the 1970 or any subsequent federal decennial census and to provide retroactive effect for said act.

Also:

H. 1290. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; authorizing the sheriff of any such county to appoint certain additional employees and providing for their compensation.

Also:

H. 1259. To amend Act No. 519, H. 1172, Regular Session 1975 (Acts 1975, p. 1165), which act grants certain powers to borrow money to boards of education in counties having populations of not less than 90,000 nor more than 100,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the majority consent of the boards of education to secured loan agreements and to provide further for the repayment of loans authorized by said act.

Also:

H. 1261. To amend Section 1 of Act No. 165, H. 130, 1971 Special Session (Acts of 1971, p. 4413), entitled "An Act Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties," so as to increase the amount of such allowance from a maximum of \$15,000 per annum to a maximum of \$20,000 per annum; to provide that such allowance shall be paid from any available funds and to provide that the provisions of this act shall be retroactive to October 1, 1973.

Also:

H. 1264. Relating to Escambia County; to alter rearrange and extend the boundary lines and corporate limits of the Town of Riverview.

Also:

H. 1265. To amend Act No. 575, H. 966, 1953 Regular Session (Acts 1953, p. 818) which act levies a tax on malt or brewed beverages sold in Escambia County; to provide that the municipality of Riverview shall receive a share of the proceeds of such tax.

Also:

H. 1220. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation and expense allowance of the tax assessor and the tax collector in such counties.

Also:

H. 1221. Repealing Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census."

Also:

H. 1222. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the chairman of the county governing body; providing for the compensation of associate commissioners of the county governing body; regulating the travel allowance for out of county travel for all members of the county governing body; and setting the times of meetings for the commissioners.

Also:

H. 1223. Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; relieving the board of registrars in such counties from the duty to meet on any official national, state or county holiday.

Also:

H. 1225. Relating to Cherokee County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork of Little River, and West Fort of Little River in Cherokee County; to provide for the membership and organization of said Commission, to prescribe the powers, duties, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to Cherokee County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

Also:

H. 1229. Relating to all counties having populations of not less than 150,000 nor greater than 180,000, according to the 1970 or any subsequent federal decennial census; authorizing the clerk of the family court in said counties to destroy certain files and records in all civil cases after a certain

period of time and providing for an official record of said files and records; and to provide for a new indexing system in said court.

Also:

H. 1232. Relating to any county having a population of not less than 53,000 nor more than 55,000 according to the 1970 or any subsequent federal decennial census; providing a salary supplement allowance for the register of the circuit court.

Also:

H. 1234. To provide for the salary of the judge of probate of all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census and to repeal all conflicting statutes.

Also:

H. 84. To name the Tuscaloosa State Technical College the C. A. Fredd State Technical College.

Also:

H. 710. To amend Section 7-101 of Act No. 1205, S. 400 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384), which section relates to county personnel serving district and circuit courts, so as to prohibit such present full-time personnel's employment from being discontinued solely because of the provisions of Act No. 1205 of the 1975 Regular Session (Acts 1975, Vol. IV, p. 2384) and to exempt such persons who were so employed prior to the effective date of said Act from being prosecuted under the provisions of Act No. 588, S. 52 of the 1963 Regular Session (Acts 1963, Vol. 2, p. 1285).

Also:

H. 14. To amend further Section 168, Title 10, Code of Alabama 1940, relating to single tax or cooperative associations or corporations so as to provide exemptions to such associations or corporations which are organized for the purpose of operating waterworks for unincorporated areas from any state or county license tax on gross receipts.

Also:

H. 62. To exempt from civil liability members of organized volunteer fire departments who make efforts to preserve and protect any building and certain other property from fire.

Also:

H. 958. Appropriating \$500 from the Alabama forestry commission fund for the relief of McKinley Chestang.

Also:

H. 1108. Relating to Marshall County; providing that certain county prisoners and state prisoners who are housed in county or city jails of Marshall County may be used on a voluntary basis in the building, repairing and maintenance of public roads, buildings and other public properties; providing for the commutation of sentence of certain state and county convicts who participate in such public work projects and

providing for an appropriation from the state general fund in order to effectuate the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1239. To provide for the appointment of a deputy district attorney for the twenty-ninth judicial circuit of Alabama; to designate him as a state officer; to prescribe his qualifications, powers and duties and to fix and provide for payment of his compensation.

Also:

H. 1241. Relating to all counties having populations of not less than 65,000, nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an additional secretarial assistant for the office of district attorney, in addition to the two secretaries now provided by law and provide salary for same, in which such county lies.

Also:

H. 1242. Relating to Elmore County; setting the minimum monthly salary for each deputy sheriff of Elmore County; and providing that such salaries shall be paid out of the general fund of the county.

Also:

H. 1243. To alter or rearrange the boundaries of the Town of Coosada, Elmore County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, as well as certain other territory contiguous thereto, in Elmore County, Alabama.

Also:

H. 1248. Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members.

Also:

H. 1136. To apply to every county of the State having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any

subsequent federal decennial census; to authorize the governing body of any such county to provide by ordinance for identifying, taking up, storing, and selling any abandoned, stolen, or legally seized and condemned contraband property located in the county; to provide certain minimum requirements for the contents of any such ordinance; to provide certain specified restrictions upon the scope of any such ordinance; to require publication of such ordinance as a prerequisite to its becoming effective; and to provide for severability of the provisions of this Act and for an effective date.

Also:

H. 1137. Relating to counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and serving his or her term in the county jail of any such counties.

Also:

H. 1151. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Also:

H. 55. To provide that any mortician, undertaker, embalmer, or funeral director, who is duly licensed may, after satisfactory ophthalmologic training, be issued a license to enucleate donor eyes; to authorize the state board of embalmers to establish certain standards and regulations to effect the provisions hereof; and to require that any such licensee comply with the applicable provisions of the "Alabama Uniform Anatomical Gift Act."

Also:

H. 265. To create a commission called The Foreign Trade and Relations Commission; to prescribe the powers and duties of the commission; specifically to authorize the commission to accept and expend gifts, grants and donations; and to designate such gifts as gifts to the state and provide for their deduction when computing net income for state income tax purposes for the year in which they are given.

Also:

H. 1260. To further amend Section 259 of Title 46 of the Code of Alabama of 1940, as amended, which statute relates to the State Board of Medical Examiners granting certificates of qualification to practice medicine, so as to suspend the application of parts (2) and (3) of subsection (b) with respect to certain applicants, and to limit the counties in which such person may practice.

Also:

H. 12. To reduce certain appropriations heretofore made to the Department of Public Safety which were to be used for other expenses and to transfer an amount equal to the sum of all such reductions to the Department of Public Safety to be used for overtime for state troopers.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of the Honorable Henry B. Gray to the rank of Brigadier General. The question was on the motion of Mr. Perloff that consideration of the above appointment be postponed until 11:59 tonight.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1272. To authorize Jackson County to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 53. Relating to state and county prisoners; to authorize the establishment of a joint state-county work-release program in any county of the state; to provide rules for establishment and operation of the program; to vest rule-making and administrative power in the board of corrections and county governing bodies; to provide for the disposition of inmates' wages; to authorize pass or leave programs; to provide for assignment and transfer of state prisoners for purposes of participation in the program; and to provide penalties for violation.

Also:

H. 234. Requiring that each parolee and probationer pay five percent a portion of his monthly net earned income into the general fund of the state to offset the cost of his supervision and rehabilitation., excepting those cases determined by the board of pardons and parole to cause a hardship.

Also:

H. 167. To amend Act No. 651, H. 377, Regular Session 1975, which act provides retirement benefits for elected officials of certain municipalities on a population basis, so as to include certain past services as a basis for such officials to receive benefits under said act.

Also:

H. 480. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Also:

H. 428. Relating to cities having populations of not less than 60,000 nor more than 120,000 inhabitants according to the most recent 1970 or any subsequent federal decennial census; to provide further for the compensation of the members of the city board of education in such cities.

Also:

H. 917. Relating to all counties having a population of not less than 115,000 nor greater than 150,000 according to the 1970 or any subsequent federal decennial census; to provide for the fire protection of citizens of any such county outside of the limits of any municipality having a fire department.

Also:

H. 1208. To further provide for the eligibility for medicaid benefits for certain medicaid patients who were eligible for benefits upon entrance to the medicaid program and to provide that the provisions of this act will apply retroactively.

Also:

H. 982. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration, and providing penalties for the violation thereof.

Also:

H. 667. Relating to eligibility requirements for medical assistance from the State of Alabama including but not limited to nursing home patients; imposing criminal penalties for any one who divests himself or initiates, procures, induces, aids, abets, or advises another to divest himself of assets for the purpose of meeting eligibility requirements for medical assistance.

Also:

H. 668. To provide that all persons eligible to receive medicaid shall pay the sum of one dollar (\$1.00) for each visit as a co-payment for medical services provided by a physician under the medicaid program.

Also:

H. 896. To provide for the transfer of certain parts of the Fort Morgan Military Reservation to the Alabama Historical Commission; to reaffirm the rights of the department of conservation in other parts of such reservation; to provide for the continued operation of Fort Morgan as a recreational park; and to repeal Act No. 344, H. 301, Regular Session 1955 (Acts 1955, p. 780).

Also:

H. 580. To name a new building which is presently under construction at Douglas MacArthur State Technical College for Bennie Frank Foreman.

Also:

H. 774. To amend Section 413 of Title 37, Code of Alabama, as amended, so as to make the provisions thereof applicable to officers and managerial employees of such corporations holding franchises.

Also:

H. 576. To provide for and authorize the sale and issuance of general obligation bonds of the state in aggregate principal amount not exceeding \$25,000,000, the proceeds of which are to be expended by the Tombigbee Valley Development Authority in fulfilling the requirements of local contribution, participation and cooperation on the part of the state established by the United States in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; to make provisions for the sale, execution and issuance of the said bonds; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the said bonds; to provide that the said bonds and the income therefrom shall be exempt from taxation; and to authorize and direct the State Treasurer to pay the principal of and interest on the said bonds from any available funds of the state.

Also:

H. 1213. To provide further for the operation of the board of registrars in Morgan County.

Also:

H. 953. Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Also:

H. 1087. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; fixing the fee for issuance of a pistol permit by the sheriff and providing for the collection, distribution and use of such fees.

Also:

H. 766. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent last or any succeeding federal decennial census; amending Section 6.07 of Act No. 618, H. 796 of the 1973 Regular Session, (Acts 1973, Vol. II, p. 879), as amended, which act pertains to the mayor-council form of government, so as to include purchase of labor, services, work and lease agreements in the responsibility of the purchasing agent in the department of finance.

Also:

H. 765. Relating to cities having a population of not less than 70,000 nor more than 135,000 inhabitants according to the most recent last or any succeeding federal decennial census; amending Section 3.18 of Act No. 618, H. 796 of the 1973 Regular Session (Acts 1973, Vol. II, p. 879) as amended, which act pertains to the mayor-council form of government, so as to provide that examination of the books and accounts of the city shall not be made more than two years in succession by the same accountant.

Also:

H. 594. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, page 298) which creates and establishes the county-wide Civil Service System in Mobile County, so as to increase the membership of the Personnel Board and provide districts from which members are to be selected; and to provide for equal opportunity within such system.

Also:

H. 434. Relating to Madison County, authorizing the county governing body to pay Mr. Stanley Stafford of Madison County, Alabama up to the sum of \$25,033.65 in full settlement as compensation for personal injuries of Mr. Stafford pursuant to a motor vehicle collision which occurred on December 13, 1973 in Madison County.

Also:

H. 574. To amend Section 2 and 3 of Act No. 25, H. 34, 1970 Special Session (Acts of 1970, p. 2623) entitled "An Act Establishing the Historic Chattahoochee Commission as a state agency to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; prescribing the authority, powers, duties and functions of the commission and its members, officers and committees; and making an appropriation therefor", so as to change the number and manner of appointment of members of the commission.

Also:

H. 687. Relating to counties having populations of not less than 115,000 nor more than 150,000, according to the 1970 or any subsequent federal decennial census; to fix the salaries of the chairman and associate members of the county governing body of any county to which this act applies and of the mayor and each associate commissioner of the municipal governing body of the largest municipality therein; and to prescribe the effective date of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 131. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

Also:

H. 968. To authorize and direct the Alabama Board of Nursing to develop, implement and conduct continuing education programs for nurses; and for such purposes to make an appropriation to the board.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of the Honorable Henry B. Gray to the rank of Brigadier General. The question was on the motion of Mr. Perloff that consideration of the above appointment be postponed until 11:59 tonight.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 497. To provide for a voluntary anatomical gift to be made by the holder of a valid Alabama driver license or non-driver identification card by executing a sworn affidavit to be filed with the Department of Public Safety; to provide for notice of intent to make a gift on the driver license or non-driver identification card of the donor; and to provide civil immunity to the officers and employees of the Department of Public Safety in carrying out the provisions of this act.

Also:

H. 243. To amend Act No. 343, H. 71, 1957 Regular Session, to provide further for competitive bidding on public contracts.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 150. RELATIVE TO COMMENDING THE MUSCLE SHOALS MUSIC INDUSTRY FOR BRINGING WORLDWIDE ATTENTION TO THE AREA.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Messrs. Roberts, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson offered the following Senate Resolution, to-wit:

S. R. 152. COMMENDING C. C. (BO) TORBERT AS HE ENDS HIS LAST NIGHT IN THE LEGISLATURE DURING A REGULAR SESSION BEFORE ASSUMING THE POSITION OF CHIEF JUSTICE OF ALABAMA.

WHEREAS, Clement Clay Torbert, Jr., known affectionately to his colleagues as "Bo", served in the Alabama House of Representatives from 1959 to 1963 and first served in the Alabama Senate from 1967 to 1971; and

WHEREAS, Bo Torbert decided in 1974 that Alabama Senate needed his services once more and determined that the best way to win the support of the people of his district would be to travel over the district on a bicycle; and

WHEREAS, once elected by a great majority to the Senate on his bicycle, he lived up to a campaign promise and held a lottery of his supporters and gave the vehicle away; and

WHEREAS, Sen. Torbert not only took advantage of a post-inauguration session at Gulf Shores to rewrite the committee responsibilities of the Senate, but taught his colleagues the finer points of tennis; and

WHEREAS, Sen. Torbert is a graduate of Auburn University and the University of Alabama Law School; and

WHEREAS, Sen. Torbert saw need for service as Chief Justice of Alabama and ran a good race, winning the Democratic nomination; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, that we most heartily congratulate the future chief justice of Alabama and that, on this last night of a regular session, we shall miss his wisdom and wish him the best of fortune in the future.

On motion of Mr. Roberts, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of the Honorable Henry B. Gray to the rank of Brigadier General. The question was on the motion of Mr. Perloff that consideration of the above appointment be postponed until 11:59 tonight.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 245. Proposing an amendment to the Constitution of Alabama to allow the legislature, from time to time, to fix, regulate and alter the compensation, fees, salaries and allowances, including the method and basis of the compensation, to be charged or received by the elected county officials in Lee County.

Also:

S. 566. To provide that the probate judge of Lee County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Also:

S. 601. To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Also:

S. 602. To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Also:

S. 605. Relating to Lee County; to authorize the county commission of said county to levy and collect certain additional taxes and fees and to provide for the disposition of the proceeds from such taxes and fees.

Also:

S. 625. Relating to Lee County board of registrars; providing for thirty dollars (\$30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

Also:

S. 627. Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census; relating to landlords and tenants; defending the rights, remedies, terms and providing procedures regarding

the payment and refund of tenants' deposits required as a condition for rental of residential units when such deposit is not in payment of rent.

Also:

S. 701. Relating to all counties having populations of not less than 33,550 nor more than 34,000 according to the 1970 or any subsequent federal decennial census; relating to salaries of deputies to the sheriff in all such counties; and providing that such salaries shall be paid from the county general fund.

Also:

S. 729. Relating to all counties with a population of 90,000 to 100,000 according to the most recent 1970 or any subsequent federal decennial census. To provide for the retention of an area vocational school by the county board of education under certain circumstances.

Also:

S. 733. To amend Section 12 of Act No. 515, H. 93, Regular Session 1945 (General Acts 1945, p. 734) as amended, which relates to the Employees' Retirement System of Alabama and provides for the participation of counties, cities, towns, and public or quasi-public organizations so as to further provide for creditable service for certain members.

Also:

S. 449. Relating to Native Americans; creating the Alabama Creek Indian Council; providing for membership and method of appointment; and providing for the duties and power of the Council.

Also:

S. 501. To create a reconstituted coastal area board with responsibility and authority for developing, coordinating and maintaining a coastal area program for the area in direct proximity to the coasts of Alabama to insure the enhancement of tourism and orderly economic development along coasts; and to provide for the promulgation of regulations and provisions for the enforcement of this act; and

To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation and regulations and provisions for the enforcement of this act."

OBIE J. LITTLETON,
Acting Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 131. RELATIVE TO COMMENDING SENATOR J. RICHMOND PEARSON ON BEING SELECTED TO APPEAR AS COUNSEL IN A MOOT COURT TRIAL TELEVISED BY THE MISSISSIPPI EDUCATIONAL TELEVISION SYSTEM.

Also:

S. J. R. 132. RELATIVE TO NAMING HOUSE BILL 42 AND THE ACT NO. ASSIGNED THERETO, IN THE EVENT THE BILL BECOMES LAW, THE "ROBERTSON-PEARSON ACT".

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 685. To provide for the deposit of money of any county having a population in excess of 600,000 according to the last or any subsequent federal census in state depositories in demand deposits and in time deposits, open account and to provide for the payment of interest on that money deposited in time deposits, open account; to provide for the payment of interest so earned into the County Treasury to the credit of the General Fund of any such County; to provide for the posting of security for such deposits in excess of amounts insured by Federal Deposit Insurance Corporation; to prescribe penalties for violations of this Act; and to repeal inconsistent laws.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of the Honorable Henry B. Gray to the rank of Brigadier General. The question was on the motion of Mr. Perloff that consideration of the above appointment be postponed until 11:59 tonight.

Mr. Shelby offered a substitute motion that consideration of the above appointment be postponed until 11:50 tonight.

On motion of Mr. Baker, said substitute motion was laid on the table.

Yeas 16; Nays 13.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Jones, McDonald (A), McMillan, Mitchell, Perry, Powell, Roberts, St. John, Torbert.

Nays:

Messrs. Clemon, Gilmore, Little, Littleton, Noonan, Owen, Pearson, Perloff, Shelby, Stewart, Vacca, Waldrop, Wilson.

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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 19. Urging Congress and the President not to relinquish the Panama Canal.

Also:

H. J. R. 50. TO DESIGNATE COUNTY HIGHWAY 75 IN JACKSON COUNTY THE DORAN'S COVE-RIDLEY ROAD.

Also:

H. J. R. 98. NAMING THE PROPOSED STATE BRIDGE FROM ISLAND ROAD TO U.S. HIGHWAY 90, IN MOBILE COUNTY, THE W. H. HOLCOMBE, JR., BRIDGE.

Also:

H. J. R. 287. CREATING A WASHINGTON COUNTY GOVERNMENTAL STUDY COMMISSION TO STUDY ALL FACETS OF COUNTY GOVERNMENT AND TO MAKE RECOMMENDATIONS TO THE WASHINGTON LEGISLATIVE DELEGATION.

Also:

H. J. R. 296. COMMENDING MISS KATHERYN ARMSTRONG OF THE TOWN OF STEVENSON, ALABAMA, FOR HER CONTRIBUTIONS TO THE BICENTENNIAL CELEBRATION.

Also:

H. J. R. 297. COMMENDING THE TOWN OF STEVENSON, ALABAMA FOR ITS ENTHUSIASTIC SUPPORT AND PARTICIPATION IN OUR NATION'S BICENTENNIAL CELEBRATION.

Also:

H. J. R. 298. CONGRATULATING JAMES M. BARTON FOR TWENTY-ONE YEARS OF MERITORIOUS SERVICE TO FAYETTE COUNTY.

Also:

H. J. R. 303. COMMENDING BERNICE BEDELL UPON RECEIVING THE PRINCIPALS' ACHIEVEMENT AWARD FOR THE ELEMENTARY DIVISION.

Also:

H. J. R. 321. Commending Frank Hrabe for a job well done.

Also:

H. J. R. 336. MOURNING THE DEATH OF WILLIAM D. HARRIGAN.

Also:

H. J. R. 354. MOURNING THE DEATH OF DR. HERMAN LONG.

H. J. R. 358. COMMENDING SEN. FLIPPO FOR HIS SUCCESSFUL ATTEMPT FOR THE FIFTH CONGRESSIONAL SEAT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 370. COMMENDING AND PRAISING THE GREATER HUEYTOWN ALL-STARS OF THE DIZZY DEAN LEAGUE FOR REPRESENTING ALABAMA AND WINNING THE WORLD SERIES AT HATTIESBURG, MISSISSIPPI, ON JULY 31, 1976.

Also:

H. J. R. 371. CONGRATULATING OUR DISTINGUISHED COLLEAGUE, JOE BRINDLEY, UPON RECEIVING HIS PH.D. DEGREE FROM THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 322. Naming the new road connecting U.S. Highway 31 and Cullman County Road 26 the Roland "Racehorse" Johnson Parkway.

Also:

H. J. R. 367. MOURNING THE DEATH OF DAN DENDY.

Also:

H. J. R. 361. MOURNING THE DEATH OF PHILIP EDWARD FRANK.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 282. Creating a Joint Interim Committee to study wood fiber and requirements for facilities to export wood chips world-wide.

Also:

H. J. R. 248. COMMENDING J. PAUL SPRINGFIELD UPON HIS RETIREMENT.

Also:

H. J. R. 249. COMMENDING THE CLAY COUNTY FREEDOM SINGERS.

Also:

H. J. R. 250. COMMENDING ROBERT PENNINGTON UPON HIS RETIREMENT.

Also:

H. J. R. 258. CONGRATULATING THE CITY OF SCOTTSBORO FOR THEIR BICENTENNIAL EFFORTS.

Also:

H. J. R. 265. COMMENDING MR. AND MRS. HUBERT STREET UPON THEIR RETIREMENT FROM THE ONEONTA SCHOOL SYSTEM.

Also:

H. J. R. 266. MOURNING THE DEATH OF W. E. POPEJOY.

Also:

H. J. R. 267. MOURNING THE DEATH OF CLARENCE ALLEN LOTT, SR., OF MOBILE.

Also:

H. J. R. 268. COMMENDING MR. DEWEY JORDAN UPON HIS RETIREMENT AS PRESIDENT OF LAMAR COUNTY FARM BUREAU.

Also:

H. J. R. 283. COMMENDING MR. P. L. BENTLEY UPON HIS

RETIREMENT AS PRINCIPAL OF THE NORTH SAND MOUNTAIN HIGH SCHOOL.

Also:

H. J. R. 284. COMMENDING THE RE'GENERATION SINGERS.

Also:

H. J. R. 285. MOURNING THE DEATH OF RALPH REYNARD NORMAN.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 75. To re-divide the state into judicial circuits so as to create a thirty-ninth judicial circuit consisting of that part of Jefferson County known as the "Bessemer Cut-off"; and to provide for the judgeships in such circuit and for the office of district attorney therein.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 173. AMENDING H. J. R. 370 (ACT 866) OF THE 1975 REGULAR SESSION RELATING TO THE STATE FORT AND HISTORIC TRAIL COUNCIL.

Also:

H. J. R. 174. AMENDING H. J. R. 377 (ACT 889) OF THE 1975 REGULAR SESSION RELATING TO THE COUNCIL OF ALABAMA ARCHAEOLOGY AND THE ALABAMA ARCHAEOLOGICAL ADVISORY COMMITTEE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1272. To authorize Jackson County to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Also:

H. 968. To authorize and direct the Alabama Board of Nursing to develop, implement and conduct continuing education programs for nurses; and for such purposes to make an appropriation to the board.

Also:

H. 131. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 23. RELATIVE TO CALLING FOR A MORATORIUM
OF THE CONSTRUCTION OF NURSING HOMES IN THIS STATE.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of the Honorable Henry B. Gray to the rank of Brigadier General. The question was on the motion of Mr. Perloff that consideration of the above appointment be postponed until 11:59 tonight.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 243. To amend Act No. 343, H. 71, 1957 Regular Session, to provide further for competitive bidding on public contracts.

Also:

H. 497. To provide for a voluntary anatomical gift to be made by the holder of a valid Alabama driver license or non-driver identification card by executing a sworn affidavit to be filed with the Department of Public Safety; to provide for notice of intent to make a gift on the driver license or non-driver identification card of the donor; and to provide civil immunity to the officers and employees of the Department of Public Safety in carrying out the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 231. To provide an alternative sentencing procedure which authorizes the courts to impose a minimum term for imprisonment with the remainder of the sentence to be served on probation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shelby, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 231, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 231

Amend Senate Bill 231, Section 3, page 2, lines 23 and 24, by striking in its entirety said Section 3 and renumbering the following subsequent sections accordingly, to-wit:

(Lines 23-24)

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

(Lines 25-27)

Section 4 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

(Lines 28-30)

Section 5 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 19; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, Little, McMillan, Mims, Noonan, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Wilson.

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Nay: Mr. Perloff.

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MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to Senate Joint Resolution:

S. J. R. 134. RELATIVE TO CREATING AN EDUCATIONAL SURVEY COMMITTEE FOR THE PUBLIC SCHOOL SYSTEM OF SHELBY COUNTY.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Moore (O), Waggoner and Quarles.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 575. To provide that certain Lee County officers, i.e.: probate judge, tax collector, tax assessor, and chairman of the county commission be placed on a salary; to provide further the amount and mode of payment; to establish clerk hire allowances for such officers, and to provide for the payment from the general funds of the county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Torbert, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 575, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 575

A BILL
TO BE ENTITLED
AN ACT

To provide that the judge of probate of Lee County shall be compensated on a salary basis; to provide for the operation of his office after he is on a salary basis; to require the judge of probate to serve as chairman of the Lee County Commission and to require the judge of probate to continue to collect the fees prescribed by law and to pay such fees into the county treasury from which his salary will be paid.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Lee County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Lee County an annual salary of \$35,000. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity, including his service as chairman of the Lee County Commission, a position which he is hereby required to fill. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the judge of probate of Lee County.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Lee County shall hereafter continue to be collected but shall be paid into the general fund of Lee County.

Section 3. The governing body of Lee County shall provide the judge of probate with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal monthly installments out of the general fund of Lee County not to exceed \$41,800.00 annually.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act shall become effective upon the expiration of the term of office of the incumbent judge of probate when this Act becomes law, and upon the ratification and adoption of an Amendment to the Constitution of Alabama authorizing an Act placing the judge of probate on a salary, provided that a majority of the qualified electors of Lee County, voting in such constitutional amendment election approve of the adoption of the amendment. If the vote in Lee County on such amendment is not favorable thereto, then this Act shall have no force or effect.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the Governor's appointment of the Honorable Henry B. Gray to the rank of Brigadier General. The question was on the motion of Mr. Perloff that consideration of the above appointment be postponed until 11:59 tonight.

Mr. Wilson offered a substitute motion that consideration of the above appointment be postponed for one Legislative Day.

Mr. Fine moved that said substitute motion be laid on the table, which motion was lost.

Yeas 4; Nays 25.

Yeas: Messrs. Adams, Fine, Jones, Perry.

—4

Nays:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Mr. Wilson then offered an amendment to his substitute motion that further consideration of Mr. Gray's appointment be postponed temporarily, which amendment was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 30

Nays:

— 0

And said substitute motion, as thus amended, was then adopted by the Senate.

And said original motion offered by Mr. Perloff, as thus amended by Mr. Wilson's substitute motion, was adopted by the Senate, and further consideration of Mr. Gray's appointment was postponed temporarily.

FURTHER CONSIDERATION OF H. B. 165

The Senate proceeded to further consideration of the Bill, H. B. 165.

On motion of Mr. Wilson, further consideration of the Bill, H. B. 165, was postponed temporarily.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 128. An Act created the "Alabama Sunset Law of 1976" providing definitions; providing for the termination of state agencies, as defined in the Act, or listed dates; providing a deadline for reaching a recommendation as to continuance or termination, as defined herein, on or before the first legislative day immediately following review; providing that any agency, unit or subunit which is terminated shall have 180 days in which to conclude its affairs after which time the specified agency, unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the state fund from which appropriation was made; providing for a 4-year limit on the life of any continued or newly created agency, after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of agencies under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation" providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature and the Governor for distribution on, or before, the first legislative day of the regular session; providing expenses and pay of committee members be made from the state treasury from funds appropriated for the payment of the expenses of the legislature; providing for voting as to the recommendations of the committee and the

continuance of any agency by simple majority vote of both Houses; providing for the Examiners of Public Accounts and Legislative Fiscal Office to assist in the review and evaluation process; providing that the Governor be urged to adopt the principles of a "zero-based review and evaluation" in budgetary preparations; providing for the retention of all claims and rights of citizens; providing for severability; providing for repeal of laws inconsistent with this act; and providing an effective date.

OBIE J. LITTLETON,
Acting Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 146. RELATIVE TO MOURNING THE DEATH OF
CECIL WOODROW EDGAR.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 23. CALLING FOR A MORATORIUM ON THE CONSTRUCTION OF NURSING HOMES IN THIS STATE.

Also:

S. J. R. 131. COMMENDING SENATOR J. RICHMOND PEARSON ON BEING SELECTED TO APPEAR AS COUNSEL IN A MOOT COURT TRIAL TELEVISED BY THE MISSISSIPPI EDUCATIONAL TELEVISION SYSTEM.

Also:

S. J. R. 132. NAMING HOUSE BILL 42 AND THE ACT NO. ASSIGNED THERETO, IN THE EVENT THE BILL BECOMES LAW, THE "ROBERTSON-PEARSON ACT".

Also:

S. J. R. 150. COMMENDING THE MUSCLE SHOALS MUSIC INDUSTRY FOR BRINGING WORLDWIDE ATTENTION TO THE AREA.

Also:

S. 231. To provide an alternative sentencing procedure which authorizes the courts to impose a minimum term for imprisonment with the remainder of the sentence to be served on probation.

Also:

S. 575. To provide that the judge of probate of Lee County shall be compensated on a salary basis; to provide for the operation of his office after he is on a salary basis; to require the judge of probate to serve as chairman of the Lee County Commission and to require the judge of probate to continue to collect the fees prescribed by law and to pay such fees into the county treasury from which his salary will be paid.

Also:

S. 685. To provide for the deposit of money of any county having a population in excess of 600,000 according to the last or any subsequent federal census in state depositories in demand deposits and in time deposits, open account and to provide for the payment of interest on that money deposited in time deposits, open account; to provide for the payment of interest so earned into the County Treasury to the credit of the General Fund of any such County; to provide for the posting of security for such deposits in excess of amounts insured by Federal Deposit Insurance Corporation; to prescribe penalties for violations of this Act; and to repeal inconsistent laws.

Also:

S. J. R. 146. MOURNING THE DEATH OF CECIL WOODROW EDGAR.

OBIE J. LITTLETON,
Acting Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. 128.

Delivered to the Governor August 16, 1976, at 8:50 A.M.

S. 126.

Delivered to the Governor August 16, 1976, at 3:45 P.M.

S. J. R. 110.

S. 111.

S. 212.

S. 216.

S. 222.

S. 224.

S. 259.

S. 297.

S. 494.

S. 499.

S. J. R. 96.

S. J. R. 98.

S. J. R. 99.

S. J. R. 111.

S. J. R. 114.

S. J. R. 115.

S. J. R. 120.

S. J. R. 121.

S. J. R. 126.

S. J. R. 128.

S. 20.

S. 53.

S. 55.

S. 59.

S. 81.

S. 130.

S. 138.

S. 195.

S. 196.

S. 201.

- S. 238.
- S. 257.
- S. 258.
- S. 261.
- S. 262.
- S. 283.
- S. 330.
- S. 331.
- S. 335.
- S. 343.
- S. 345.
- S. 346.
- S. 359.
- S. 362.
- S. 372.
- S. 391.
- S. 403.
- S. 408.
- S. 433.
- S. 434.
- S. 465.
- S. 474.
- S. 514.
- S. 537.
- S. 544.
- S. 547.
- S. 549.
- S. 550.
- S. 556.
- S. 568.
- S. 569.
- S. 573.
- S. 584.
- S. 585.

S. 591.

S. 606.

S. 607.

S. 610.

S. 614.

S. 620.

S. 635.

S. 643.

Delivered to the Governor August 16, 1976, at 2:40 P.M.

S. J. R. 124.

S. J. R. 133.

S. 263.

S. 397.

S. 463.

S. 647.

S. 666.

S. 651.

S. 653.

S. 667.

S. 668.

S. 673.

S. 675.

S. 691.

S. 727.

S. 728.

S. 735.

S. 431.

S. 435.

S. 457.

S. 458.

S. 459.

S. 497.

S. 524.

S. 526.

S. 560.

S. 676.

S. 677.

S. 678.

S. 679.

S. 681.

S. 690.

S. 700.

S. 702.

S. 703.

S. 704.

S. 705.

S. 711.

S. 719.

S. 720.

S. 723.

S. 732.

Delivered to the Governor August 16, 1976, at 8:20 P.M.

S. 245.

Delivered to the Secretary of State August 16, 1976, at 10:50 P.M.

S. 566.

S. 601.

S. 602.

S. 605.

S. 625.

S. 627.

S. 701.

S. 729.

S. 733.

S. 449.

S. 501.

Delivered to the Governor August 16, 1976, at 10:50 P.M.

S. 128.

Delivered to the Governor August 16, 1976, at 11:56 P.M.

S. J. R. 23.

S. J. R. 131.

S. J. R. 132.

S. J. R. 150.

S. 231.

S. 575.

S. 685.

S. J. R. 146.

Delivered to the Governor August 16, 1976, at 11:59 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of H. J. R. 126, Act 84, the President and Presiding Officer announced the appointment of Messrs. Pearson and McMillan as Senate members on the Joint Board of Corrections Management and Performance Evaluation Committee.

Under the provisions of S. B. 128, Act 512, the President and Presiding Officer announced the appointment of Messrs. McMillan, Fine, Vacca and Powell as Senate members on the Joint Committee to Implement the Provisions of the Sunset Law.

Under the provisions of H. J. R. 326, Act 755, the President and Presiding Officer announced the appointment of Messrs. Vacca, Littleton and Mims as Senate members on the Joint Committee to Study the Rising Cost to the State of Medicare and Medicaid Programs.

Under the provisions of S. J. R. 124, Act 510, the President and Presiding Officer announced the appointment of Messrs. Fine, Torbert and Shelby as Senate members on the Joint Committee to Examine the Manuscript of the Proposed Code.

Under the provisions of H. J. R. 282, Act 429, the President and Presiding Officer announced the appointment of Messrs. Perloff, Little and Waldrop as Senate members on the Joint Committee to Study Wood Fiber and Requirements for Facilities to Export Wood Chips World-wide.

Under the provisions of Act 949, 1975 Regular Session, the President and Presiding Officer announced the appointment of Messrs. Waldrop, Clemon, Bank and Mims as Senate members on the Interim Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of H. J. R. 126, Act 84, the Speaker of the House appointed Messrs. Hines and Robertson as House members on the Joint Board of Corrections Management and Performance Evaluation Committee.

Under the provisions of S. B. 128, Act 512, the Speaker of the House appointed Messrs. Biddle, Callahan, Gafford and Higginbotham as House members on the Joint Committee to Implement the Provisions of the Sunset Law.

Under the provisions of H. J. R. 326, Act 755, the Speaker of the House appointed Messrs. Pegues, Killian, Cooper, White and Falkenburg as House members on the Joint Committee to Study the Rising Cost to the State of Medicare and Medicaid Programs.

Under the provisions of S. J. R. 124, Act 510, the Speaker of the House appointed Messrs. Manley, Clark, Armstrong and McCluskey as House members on the Joint Committee to Examine the Manuscript of the Proposed Code.

Under the provisions of H. J. R. 282, Act 429, the Speaker of the House appointed Messrs. Crowe, Sonnier and Moore (O) as House members on the Joint Committee to Study Wood Fiber and Requirements for Facilities to Export Wood Chips World-wide.

Under the provisions of Act 949, 1975 Regular Session, the Speaker of the House appointed Messrs. Warren, Owens, Holmes (D) and Sasser as House members of the Interim Committee on Finance and Taxation.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Twenty-ninth and Thirtieth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

OBIE J. LITTLETON,
Acting Chairman.

COMMITTEE REPORT

On motion of Mr. Littleton, the foregoing report was concurred in and the Journals of the Senate for the Twenty-ninth and Thirtieth Legislative Days were approved by the Senate.

ADJOURNMENT

At 12 o'clock Midnight, on motion of Mr. Wilson, and in accordance with joint resolution heretofore adopted, the Senate adjourned sine die.

/s/ JERE BEASLEY

Lieutenant Governor and President
and Presiding Officer of the Senate

ATTEST:

/s/McDOWELL LEE
Secretary of Senate

**IN THE LEGISLATURE OF THE STATE OF ALABAMA
STATE SENATE**

REGULAR SESSION, 1976

LOBBYIST REGISTRATION

(In accordance with the provisions of Senate Rule 79)

Adwell, Bob, Fraternal Order of Police.

Akel, Mary Jane, Alabama Education Association.

Allen, Walter L., Association Management Services, In. Association of Alabama Cemeteries, Hamilton Test Systems, Alabama Motorists Association, Alabama Natural Gas Association.

Allison, Claude F., Alabama L. P. Gas Association.

Amos, Doug, Alabama League of Savings Association.

Arrington, Richard A., Southern Railway Company.

Avinger, C. E., Southern Bancorporation.

Bailey, George F. (Bubba), Alabama Railroad Association.

Baker, Carol, Alabama State Policemen's Association.

Baril, Eugene A., General Telephone Company of the Southeast.

Banres, Charles R., Alabama Council of Public Service Employees.

Baker, Elizabeth A., Alabama State Nurses' Association.

Bates, C. W., United States Pipe and Foundry Company, Jim Walter Resources, Inc.

Beers, Gary Jay, Alabama Forestry Association.

Bell, Ann, Board of Registrars.

Benton, J. Robert, Wine Institute.

Black, Dianne, Auburn University at Montgomery.

Blankenship, Eddie, David Vann.

Braddock, Charles T., Brotherhood Maintenance of Way Employees.

Bradley, Stephen E., Alabama Press Association.

Brand, James B., Jr., Gilbert L. Mobley (Associated Industries of Alabama).

Braswell, Thelma, Alabama Education Association.

Briggs, Billy, American Federation of State, County, & Municipal Employees, A.F.L.-C.I.O.

Britton, James Judson, Alabama Chamber of Commerce.

Brock, Bettie B., United Steelworkers.

Brooks, Dois W., Steel Workers Legislative Committee (United Steelworkers)

- Brown, David C., University of North Alabama.
Brunson, Gerald N., Merck, Sharp & Dohme.
Buffaloe, B. E., Union Carbide Corporation.
Burks, A. A., Alabama A & M University.
Burrell, Richard J., Household Finance Corporation.
Byrd, Ross L., Alabama Bankers Association.
Carlton, John P., City of Birmingham.
Casey, John S., Alabama Bankers' Association.
Cone, C. E., Professional Fire Fighters of Alabama.
Cousins, John L., Fraternal Order of Police.
Cowan, Chester R., Jr., Alabama Wildlife Federation & Self (August 1).
Cruit, George E., Alabama Employment Agency.
Crumpton, Robert B., Jr., Association of County Commissioners and American Amiable Insurance.
Cunningham, R. J., Alabama Association of Life Underwriters.
Davidson, Dr. Rudolph, University of Alabama, Birmingham.
Davis, S. L., Association of County Commissions of Alabama.
Dodd, Elbert A., Alabama State Fraternal Order of Police.
Dolbare, Jeffery Blow, Alabama Education Association.
Dowe, Dan O., Jr., Alabama League of Municipalities.
Dunn, Robert G., Anchor Lodge #25, Fraternal Order of Police.
Eden, Thomas M., III, Calvin M. Whitesell.
Eden, Tom, Alabama Textile Manufacturers Association.
Entrekin, C. L., Alabama Labor Council A.F.L.-C.I.O.
Finley, Robert, Alabama Department of Public Health.
Flynn, Jenne C., Board of Registrars.
Ford, Paul B., Jr., Self.
Frizzle, Cecil, Hudson-Thompson, Inc.
Frost, Joseph D., United Steelworkers.
Fullman, George R., United Steelworkers.
Gaines, Gene Thomas, Standard Oil Company.
Gallion, Thomas T., III, American Mutual Insurance Alliance.
Gibbs, Dail, Alabama Rural Electric Association.

Gibson, Don, Troy State University.

Green, William L., United States Pipe & Foundry Co., Jim Walter Resources, Inc.

Gwin, Judge Robert W., Jefferson County.

Hale, Morris Gresham, Mental Health.

Hallam, Philip G., Alabama Wholesale Beer & Wine Association.

Hamilton, D. N., American Reciprocal Insurance Association, Alabama League of Municipalities, Circuit Clerks and Registers.

Hamilton, Lowell S., Alabama Association for Mental Health (Mental Health Association of Alabama).

Hanes, Arthur J., Jr., City of Birmingham.

Hardy, George E., Jr., Jefferson County Department of Health.

Hatley, Billy Ray, Alabama Nursing Home Association.

Hawthorne, Frank H., Alabama Power Company.

Hill, John H., (Union Carbide) Self.

Holsenbeck, Daniel, Auburn University in Montgomery.

Horne, John, Alabama Rural Electric.

Hubbert, Paul, Alabama Education Association.

Jetton, Bruce, Alabama Trial Lawyers' Association.

Johnsey, Walter F., Alabama Power Company, Capitol Development Company.

Johnson, John B., Alabama Petroleum Council.

Johnston, J. Reese, Jr., Jefferson County.

Katz, Jane L., League of Women Voters of Alabama.

Kelly, Herbert Boyd, Jr., Alabama Chamber of Commerce.

Knight, Vernon D., Dr. E. A. Coshatt (Alabama Optometry Association).

Knipe, William A., Self.

Lambert, Ealon M., Reynolds Metals Company.

Lanier, Jess, Alabama Road Builders Association, Alabama Asphalt Association.

Leavell, Winston J., Ben C. Collier.

Livingston, Edwin K., Alabama Tax Assessors & Collectors' Association.

Lollar, Wilburn R., United Mine Workers of America.

Looney, Ginny, The Constitution Lobby.

Ludolph, Luther P., Birmingham Fire Fighters Association Local #117.

Lumpkin, B. J., Alabama Firefighters Association Pension Fund.

Lyle, Faye, Board of Registrars.

McDonald, Charles, Alabama Retail Association.

McDonald, Thomas W., Marion Harding, State Fraternal Order of Police.

McGregor, Tom, Alabama Gas Corporation.

McLaurin, Stewart C., Alabama Restaurant Food Service Association, Alabama Wholesale Distributors Association, Alabama Meat Packers & Processors Association.

McMillan, Harry M., Alabama Bancorporation.

McNeill, Lloyd C., The Mead Corporation.

Middleton, Ruby B., Dr. David P. Ray.

Miller, John W., Home Builders Association of Alabama.

Mobley, Gilbert, Associated Industries of Alabama.

Moncus, Richard Holt, Randy Quinn, Alabama Association of School Boards.

Moore, C. Ray, Grace P. Moore (B.P.W. Club).

Morgan, Claude R., Jr., Alabama Labor Department.

Mullenbach, Mrs. Wm. N., Alabama Congress of Parents & Teachers.

Murry, William P., Dr. M. Shirley.

Nash, James G., Alabama Lenders Association.

Nelson, Mrs. Harry, Alabama Congress of Parents & Teachers.

Oswalt, Eugene T., Jr., Student Government Association, Auburn Union.

Parsons, Milton V., Alabama Farm Bureau Federation.

Patterson, James E. Self.

Pepperman, J. Ed, United States Brewers' Association, Inc.

Persons, Gordon, Jr., Ben C. Collier.

Phillips, Larry R., Fraternal Order of Police.

Pippin, Earl, Alabama Consumer Finance Association.

Poe, John Curtis, Fraternal Order of Police, Alabama State Policemen's Association.

Price, Vic, Alabama State Employee's Association.

Quinn, Randy, Alabama Association of School Boards.

Raben, Carlos L., Department of Toxicology & Criminal Investigation.

Richardson, Creel, Self.

Richardson, E. Clark, Alabama Power Company.

Robertson, J. G., Alabama Society of C.P.A.'s.

Robertson, Kenneth P., United Steelworkers.

Robinson, Price E., Professional Fire Fighters Association of Alabama.

Rodgers, Mrs. Joyce B., Alabama Dental Association.

Rogers, Frank E., Melvin Bailey, Jefferson County Sheriff Department.

Roquemore, Perry Crawford, Jr., Alabama League of Municipalities.

Rowe, Charlie, Jacksonville State University.

Ruffin, Charles L., Student Government Association, Auburn Union.

Rushton, Walter Randall, Montgomery Area Chamber of Commerce.

Russell, Robert J., Alabama Association of Life Underwriters, Alabama Association of Realtors, Associated General Contractors of America, Inc., Alabama Veterinary Association, National Management, Inc.

Searcy, Mark Houston, Student Government Association, Auburn Union.

Sellers, Curtis, University of Alabama.

Sharpless, Oscar, Association of County Commissioners of Alabama.

Shertzer, L. L., Jr., Alabama Road Builders' Association.

Sikes, Stanley B., Health Management, Inc.

Skinner, T. Julian, Jr., Alabama By-Products Corporation.

Slater, Stanley M., Alabama Gas Corporation.

Smith, Carlton E., Alabama State Employees Association.

Smith, Joseph Wilson, Alabama Chamber of Commerce.

Smith, Phil, Talladega College.

Springer, Curtis H., Jr., Alabama Dairy Products Association, Inc.

Stansell, Ted M., Alabama Society of Dispensing Opticians, Association of Alabama Life Insurance.

Stephens, B. R., Fraternal Order of Police, Alabama State Lodge.

Strain, Robert E., United States Steel Corporation.

Stokes, Hazel H., Grace Moore, B.P.W. Club.

Street, James A., Alabama Council for School Administration & Supervision.

Streetman, Harold E., Automobile Dealers Association of Alabama, Inc.

Swann, T. E., Alabama Fire Fighters.

Thiemonge, Frank, Jr., Alabama Safety Council, Inc.

Thomason, J. Wm., American Federation of State, County & Municipal Employees Union—A.F.L., C.I.O., Local #255.

Thompson, Al, Student Government Association, Union Building, Auburn.

Tiffany, David M., Dr. Frederick P. Whiddon, University of South Alabama.

Timmons, Robert D. "Bobby", Alabama Sheriff's Association.

Trammell, Asa G., Alabama A.F.L.-C.I.O.

Tyner, Larry, Weyerhaeuser Company.

Underwood, Kenneth, South Central Bell.

Van Valkenburg, Dr. John, University of Montevallo.

Vaughn, Howard, Liberty National Life Insurance Company.

Wade, Forrest Neal, Alabama Petroleum Council (John B. Johnson).

Walker, James P., Alabama Education Association.

Ward, Giles K., Georgia-Pacific Corporation.

Warren, Richard P., Southern Finance, Inc.

Wasson, Don, Alabama Mining Institute.

Watkins, John F., Alabama League of Municipalities.

Watson, J. Hilton, Alabama Forestry Association.

Weathers, Michael L., Alabama Office of Prosecution Services.

Webb, James W., American Amicable Insurance Company, Association of County Commissions.

Webster, M. Neal, Vestavia Hill Firefighters Local 2087.

Weeks, Barney, Alabama Labor Council, A.F.L.-C.I.O.

Whitaker, Richard C., Medical Association of Alabama.

White, J. Herbert, Auburn University.

Wilson, E. Ham, Alabama Cattlemen's Association.

Wright, David Scott, John Carlton (City of Birmingham).

Yacko, Philip J., Alabama State Employees Association.

(Additional information on Registered Lobbyists on file in office of Secretary of Senate.)

ROSTER OF THE SENATE OF ALABAMA

1976

Jere Beasley, <i>Lieutenant Governor</i>	State Capitol, Montgomery
Joe Fine, <i>President Pro-Tem</i>	Russellville
McDowell Lee, <i>Secretary</i>	Montgomery
District No. 1	
Ronnie G. Flippo	P. O. Box 1221, Florence 35630
District No. 2	
Joe Fine	P. O. Box 818, Russellville 35653
District No. 3	
Bingham Edwards	P. O. Box 632, Decatur 35601
District No. 4	
Finis St. John	P. O. Drawer K, Cullman 35055
District No. 5	
Robert T. (Bob) Wilson	1501 First Ave., Jasper 35501
District No. 6	
Albert McDonald	6800 Madison Pike, Huntsville 35806
District No. 7	
Bill G. King	P. O. Box 382, Huntsville 35804
District No. 8	
John Baker	Rt. 3, Rainsville 35986
District No. 9	
Sid McDonald	P. O. Box 546, Arab 35016
District No. 10	
Gerald W. Waldrop	181 Lakeshore Dr., (Rt. 10, Box 192A) Gadsden 35901
District No. 11	
George McMillan	1550 First National Southern Natural Bldg., Birmingham 35203
District No. 12	
Paschal P. ("Pat") Vacca	929-30 Frank Nelson Bldg., Birmingham 35203
District No. 13	
J. Richmond Pearson	809 Bolin Street, S.W. Birmingham 35211
District No. 14	
Robert L. "Bob" Ellis, Jr.	509 Poplar Lane, Adamsville 35005
District No. 15	
U. W. Clemon	2121 Building, Suite 1600 Birmingham 35203
District No. 16	
Richard C. Shelby	324 First Federal Bldg., Tuscaloosa 35401

District No. 17

Eddie Hubert Gilmore P. O. Box 546, Bessemer 35020

District No. 18

Obie J. Littleton P. O. Box 1288, Clanton 35045

District No. 19

District No. 20

Donald W. Stewart P. O. Box 2182, Anniston 36201

District No. 21

T. D. (Ted) Little P. O. Box 342, 544 Sherwood
Dr., Auburn 36830

District No. 22

C. C. "Bo" Torbert, Jr. P. O. Box 711, Opelika 36801

District No. 23

T. Dudley Perry P. O. Box 419, Tuskegee 36083

District No. 24

Sam L. Adams P. O. Box 1690, Dothan 36301

District No. 25

E. C. (Crum) Foshee P. O. Drawer J, Red Level 36474

District No. 26

Jerry Powell P. O. Box 400, Eclectic 36024

District No. 27

Fred Jones 132 S. Perry St., Montgomery 36104

District No. 28

"Walking" Wendell Mitchell P. O. Box 225,
Luverne 36049

District No. 29

District No. 30

Bert Bank #7 Burnt Pine, Rt. 2, Northport 35476

District No. 31

Maston Mims Rt. One, Uriah 36480

District No. 32

L. D. (Dick) Owen, Jr. P. O. Box 45, 211-11th St.,
Bay Minette 36507

District No. 33

Mike Perloff 257 St. Anthony St., Mobile 36606

District No. 34

L. W. "Red" Noonan 161 McGregor Ave., Mobile 36608

District No. 35

Bill Roberts Rt. 1, Box 278, Theodore 36582

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1976**

FINANCE AND TAXATION

Owen, Chairman; Torbert, Vice-Chairman; Adams, Baker, Edwards, Fine, Flippo, Foshee, Gilmore, Jones, Littleton, Mitchell, Perloff, Shelby, Stewart, Vacca, Wilson.

RULES

Foshee, Chairman; Littleton, Vice-Chairman; Fine, Flippo, Gilmore, Owen, Shelby.

JUDICIARY

St. John, Chairman; Mitchell, Vice-Chairman; Clemon, King, Little, A. McDonald, S. McDonald, McMillan, Perloff, Perry, Powell, Shelby, Torbert, Vacca, Waldrop.

CONSTITUTION AND ELECTIONS

King, Chairman; Ellis, Vice-Chairman; Adams, Flippo, Little, A. McDonald, S. McDonald, Noonan, Pearson, Perloff, Perry, Roberts, St. John, Vacca.

BUSINESS AND LABOR RELATIONS

Waldrop, Chairman; Little, Vice-Chairman; Ellis, A. McDonald, McMillan, Noonan, Pearson, Powell, Stewart.

CONSERVATION

Pearson, Chairman; Adams, Vice-Chairman; Clemon, King, Mims, Mitchell, Roberts, Stewart, Wilson.

EDUCATION

S. McDonald, Chairman; Clemon, Vice-Chairman; Adams, Bank, Ellis, Little, A. McDonald, Mitchell, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Waldrop.

HEALTH AND WELFARE

Bank, Chairman; Noonan, Vice-Chairman; A. McDonald, S. McDonald, McMillan, Powell, Torbert, Waldrop.

BANKING

Fine, Chairman; Vacca, Vice-Chairman; Foshee, Gilmore, Jones, Mitchell, Powell, Stewart, Wilson.

INSURANCE

Mitchell, Chairman; Vice-Chairman; Baker, Littleton, Mims, Powell, Shelby, Wilson.

AGRICULTURE

Mims, Chairman; A. McDonald, Vice-Chairman; Adams, Baker, Bank, Edwards, Ellis, Little, Perry, Noonan, Vacca.

COMMERCE, TRANSPORTATION AND UTILITIES

Flippo, Chairman; McMillan, Vice-Chairman; Edwards, Fine, Foshee, Gilmore, Littleton, S. McDonald, Pearson.

STATE GOVERNMENT

Jones, Chairman; Gilmore, Vice-Chairman; Bank, Clemon, King, McMillan, Pearson, Perloff, Shelby, St. John, Stewart.

LOCAL GOVERNMENT

Roberts, Chairman; Perry, Vice-Chairman; Baker, Bank, Ellis, King, Little, A. McDonald, St. John, Vacca, Waldrop.

SEAPORTS AND INLAND WATERWAYS

Noonan, Chairman; Edwards, Vice-Chairman; Adams, Jones, Mims, Perloff, Roberts, Vacca, Wilson.

LOCAL LEGISLATION NO. 1

Littleton, Chairman; Baker, Vice-Chairman; Edwards, Flippo, Jones, King, Mims, Noonan, Perloff.

LOCAL LEGISLATION NO. 2

Gilmore, Chairman; Vacca, Vice-Chairman; Clemon, Ellis, Littleton, McMillan, Pearson, Wilson.

ROSTER
HOUSE OF REPRESENTATIVES
OF ALABAMA, 1976

JOE. C. McCORQUODALE, JR., *Speaker*, Jackson

ROBERT T. (BOBBY TOM) CROWE
Speaker Pro-Tem, Jasper

JOHN W. PEMBERTON, *Clerk*, Montgomery

JOHN MOORE
Reading Clerk, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Lynn Greer	Rt. 3, Box 102, Rogersville 35652
2	LAUDERDALE	Robert M. (Bob) Hill, Jr. . .	119 Mobile Street, Plaza, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom C. Coburn	1107 E. 3rd St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Rd., Muscle Shoals 35660
5	FRANKLIN, MARION	Paul J. Weeks	P. O. Box 674, Winfield 35594
6	LAMAR, MARION, FAYETTE	Allen McNees	Rt. 1, Vernon 35592
7	LAWRENCE, MORGAN	Wayland Cross	Box D, Courtland 35618
8	MORGAN	Charles B. Martin	1716 Camellia Dr., S.W., Decatur 35601
9	MORGAN	Tommy Ed Roberts	408 Rock Street, S. E., Hartselle 35640
10	MORGAN, CULLMAN	Tom Drake	P. O. Box 36, Cullman 35055
11	CULLMAN, WINSTON	John R. Sparks	919 Nunnally Dr., S. W., Cullman 35055
12	WINSTON, WALKER	Robert T. (Bobby Tom) Crowe	Box 2308, Jasper 35501
13	WALKER	Alvis Naramore	5th Ave. & 19th Street, Jasper 35501
14	JEFFERSON, BLOUNT	Carl Jolly	P. O. Box 366, Gardendale 35071

- 15 **JEFFERSON**
Robert B. (Bob) Hall Rt. 2, Box 593-W, Pinson 35126
- 16 **LIMESTONE**
Tommy Carter Rt. 2, Elkmont 35620
- 17 **LIMESTONE, MADISON**
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- 18 **MADISON**
Frank H. Riddick 7804 Lauderdale Drive, Huntsville 35802
- 19 **MADISON**
Richard Gregg 401 Wynn Dr., Huntsville 35805
- 20 **MADISON**
Robert E. Albright 2024 Stanhope Dr., N.E., Huntsville 35811
- 21 **MADISON**
Bill Smith 2203 Colice Rd., S.E., Huntsville 35801
- 22 **MADISON, JACKSON**
Hartwell Lutz Suite 52, Central Bank Bldg., Huntsville 35801
- 23 **JACKSON**
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- 24 **JACKSON, DeKALB**
Roger Killian P. O. Box 4, Fort Payne 35967
- 25 **DeKALB, MARSHALL**
Hinton Mitchem P. O. Box 297, Albertville 35950
- 26 **MARSHALL**
Phillip B. (Phil) Kelley Rt. 2, Box 486, Guntersville 35976
- 27 **BLOUNT, ETOWAH, MARSHALL**
Joe Brindley Route 8, Box 161, Boaz 35957
- 28 **ETOWAH**
Joe M. Ford 117 Arcade St., Gadsden 35903
- 29 **ETOWAH**
Hubert L. Taylor 2714 Hazel Dr., Gadsden 35901
- 30 **ETOWAH, CHEROKEE**
Kerry Rich Rt. 12, Gadsden 35901
- 31 **JEFFERSON**
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- 32 **JEFFERSON**
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- 33 **JEFFERSON**
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- 34 **JEFFERSON**
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- 35 **JEFFERSON**
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071

- 36 JEFFERSON
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- 37 JEFFERSON
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- 38 JEFFERSON
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- 39 JEFFERSON
Rev. John T. Porter . 1101 Montevallo Rd., S.W., Birmingham 35211
- 40 JEFFERSON
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- 41 JEFFERSON
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- 42 JEFFERSON
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- 43 JEFFERSON
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- 44 JEFFERSON
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- 45 JEFFERSON
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- 46 TUSCALOOSA
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- 47 TUSCALOOSA
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- 48 TUSCALOOSA, BIBB
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- 50 JEFFERSON
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- 52 JEFFERSON, SHELBY, TALLADEGA
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- 53 CHILTON, SHELBY
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- 54 COOSA, TALLADEGA
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- 55 TALLADEGA
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Marilyn Quarles P. O. Box 214, Springville 35146
- 57 CALHOUN
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- 58 CALHOUN
Donald G. Holmes Rt. 1, Box 90, Eastaboga 36260
- 59 CALHOUN
Hugh D. Merrill P. O. Box 1498, Anniston 36201
- 60 CLAY, CLEBURNE, TALLADEGA
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- 61 RANDOLPH, CHAMBERS
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- 62 TALLAPOOSA, CHAMBERS
Larry Morris Madison St., Alexander City 35010
- 63 TALLAPOOSA, CHAMBERS, LEE
Pete Turnham P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE
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- 65 LEE, RUSSELL, BARBOUR
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- 66 RUSSELL
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- 67 MACON, BULLOCK
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- 68 PIKE, COFFEE, BULLOCK, BARBOUR
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- 69 DALE, BARBOUR, HENRY
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- 70 HOUSTON, HENRY, BARBOUR
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- 71 HOUSTON
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- 72 DALE
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- 75 COVINGTON
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- 76 ELMORE
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- 77 MONTGOMERY
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- 78 MONTGOMERY, CRENSHAW
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- 79 MONTGOMERY
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- 80 MONTGOMERY
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- 81 MONTGOMERY
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- 82 MONTGOMERY, AUTAUGA, LOWNDES, ELMORE
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- 83 WILCOX, LOWNDES, DALLAS
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- 84 BUTLER, CRENSHAW
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- 87 MARENGO, SUMTER, HALE, GREENE
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- 88 GREENE, PICKENS, TUSCALOOSA, HALE
George N. Clark Box 6, Eutaw 35462
- 89 TUSCALOOSA, PICKENS
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- 90 SUMTER, CHOCTAW
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- 92 CLARKE, MONROE
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- 93 MONROE, CONECUH, ESCAMBIA
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- 94 BALDWIN
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- 97 MOBILE
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- 105 MOBILE
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**STANDING COMMITTEES
HOUSE OF REPRESENTATIVES
OF ALABAMA 1976**

RULES

Drake, Chairman; Jackson, F., Vice-Chairman; Biddle, Boles, Carothers, Cooper, Goodwin, Gregg, Higginbotham, Hill, McNees, Owens, Pegues, Rich, Sandusky.

WAYS & MEANS

Merrill, Chairman; Robertson, Vice-Chairman, Barron, Callahan, Coburn, Crawford, Folmar, McCluskey, McNair, Naramore, Plaster, Riddick, Turnham, Waggoner, Weeks.

JUDICIARY

Manley, Chairman; Lutz, Vice-Chairman, Armstrong, Clark, Falkenburg, Harris, Hill, Jackson, R.; Johnstone, Kennedy, Killian, Lockett, Morris, Taylor, Tucker.

STATE ADMINISTRATION

Owens, Chairman; Higginbotham, Vice-Chairman; Carter, Crowe, Edwards, Jackson, F.; Kelley, Lewis, McCulley, McMillan, McNees, Smith, C.; Sonnier, Warren, Williams.

BUSINESS & LABOR

Malone, Chairman; Morris, Vice-Chairman, Albright, Coburn, Ford, Hilliard, Hines, Hopping, Roberts, Robertson, Smith, B.; Trammell, Whatley, White, Wyatt.

HEALTH

Falkenburg, Chairman; White, Vice-Chairman; Biddle, Campbell, Carothers, Greer, Hines, Holmes, A.; Holmes, D.; Johnson, Killian, Quarles, Roberts, Sasser, Smith, B.

BANKING

Gafford, Chairman; Callahan, Vice-Chairman; Armstrong, Baker, Cates, Crowe, Dial, Ford, Glass, Jolly, Lee, Lewis, Lutz, Roberts, Williams.

INSURANCE

Kinsey, Chairman; Cooper, Vice-Chairman; Andrews, Carter, Dial, Higginbotham, Howard, Jackson, F.; Lee, Moore, W.; Owens, Shelton, Smith, M.; Sparks, Wyatt.

EDUCATION

Turnham, Chairman; Sasser, Vice-Chairman; Albright, Andrews, Baker, Boles, Brindley, Harrison, Hines, Holley, Holmes, Johnson, Quarles, Starkey, Wyatt.

AGRICULTURE

Mitchem, Chairman; Smith, M., Vice-Chairman; Cross, Edwards, Gafford, Howard, Kinsey, McNees, Moore, W.; Plaster, Rich, Sandusky, Smith, C.; Smith, J.; Whatley.

CONSERVATION

Carter, Chairman; Warren, Vice-Chairman; Clark, Cross, Glass, Greer, Hall, Johnstone, Kelley, Leonard, McMillan, Smith, C.; Starkey, Teague, Weeks.

PUBLIC WELFARE

Reed, Chairman; Porter, Vice-Chairman; Clark, Folmar, Gregg, Harris, Hilliard, Johnson, Killian, Lockett, Porter, Shelton, Smith, J.; Starkey, Tucker.

CONSTITUTION & ELECTIONS

Smith, J., Chairman; Lee, Vice-Chairman; Barron, Brindley, Cates, Goodwin, Hall, Holmes, Leonard, Martin, Moore, S.; Sandusky, Smith, M.; Sparks, Venable.

COMMERCE & TRANSPORTATION

Cross, Chairman; Biddle, Vice-Chairman, Campbell, Carothers, Harrison, Holley, Holmes, D.; Kelley, McCluskey, McCulley, McMillan, Manley, Moore, S.; Sonnier, Teague.

LOCAL GOVERNMENT

Venable, Chairman; Martin, Vice-Chairman; Campbell, Cooper, Crawford, Jolly, McNair, Malone, Mitchem, Morris, Pegues, Porter, Quarles, Taylor, Waggoner.

MILITARY AFFAIRS

Cates, Chairman; Ford, Vice-Chairman; Dial, Goodwin, Greer, Hall, Harris, Harrison, Jackson, R.; Jolly, Kennedy, Lockett, Riddick, Sasser, Sonnier.

HIGHWAY SAFETY

Smith, Bill, Chairman; McCulley, Vice-Chairman; Glass, Hill, Hilliard, Hopping, Lewis, Lutz, McCulley, Martin, Moore, S.; Naramore, Reed, Trammell, Venable.

LOCAL LEGISLATION NO. 1

Edwards, Chairman; Teague, Vice-Chairman; Brindley, Dial, Holley, Johnson, Kelley, Pegues, Reed, Rich, Shelton, Sparks, Warren, Whatley, Williams.

LOCAL LEGISLATION NO. 2 (Jefferson)

McNair, Chairman; Andrews, Vice-Chairman; Armstrong, Biddle, Boles, Falkenburg, Gafford, Hall, Harrison, Hilliard, Hopping, Howard, Jackson, R.; Jolly, Leonard, Moore, S.; Porter, Trammell, Tucker, Waggoner, White.

LOCAL LEGISLATION NO. 3
(Mobile)

Callahan, Chairman; Glass, Vice-Chairman; Cooper, Johnstone, Kennedy, McCulley, McMillan, Malone, Sandusky, Sonnier.

LOCAL LEGISLATION NO. 4
(Montgomery-Madison)
Montgomery

Barron, Chairman; Harris, Holmes, Lewis, Plaster, Wyatt.

Madison

Lutz, Vice-Chairman; Albright, Gregg, Moore, W.; Riddick, Smith, B.

COMMITTEE ON
INTERGOVERNMENTAL COOPERATION

Crawford, Chairman; McCorquodale, White, Kelley, Kinsey.

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